

## **Annual Security Report**

### **DISCLOSURE OF CAMPUS SECURITY AND CAMPUS CRIME STATISTICS ANNUAL REPORT 2010**

Mount Mercy University is concerned for the safety and well-being of all members of the campus community. This report is published annually, in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, to inform the community of the following policy information:

- Emergency Response and Evacuation Procedures;
- How to report criminal actions or other emergencies occurring on or near campus;
- Policies regarding security of, access to, and maintenance of campus facilities, including campus residences;
- Details about the Department of Public Safety's authority and how that department works with state and local police agencies;
- Policies that encourage accurate and prompt reporting of all crimes;
- A description of the programs which inform students and employees about campus security procedures, encourage community members to be responsible for their own security and the safety of others, and inform students and employees about the prevention of crimes;
- A statement of policy regarding the University's campus sexual assault prevention programs and procedures to follow should a sex offense occur;
- Statistics concerning the occurrence on campus of particular criminal offenses and the number of arrests or disciplinary referrals;
- Drug and Alcohol abuse policy statements, including a description of education programs;
- Missing Student Notification Policy;

### **EMERGENCY RESPONSE AND EVACUATION PROCEDURES**

Mount Mercy University maintains an all hazards Emergency Response Plan which is continually reviewed and updated. The major goals of this Plan are preservation of life, protection of property, and continuity of campus operations. The overall objective is to ensure the effective management of emergency forces involved in preparing for and responding to situations associated with emergencies.

Specifically this will include:

- Overall managing and coordinating of emergency operations to include, as required, on scene incident management,
- Coordinating or maintaining liaison with appropriate federal, state, and other local government agencies and appropriate private sector organizations,
- Requesting and allocating resources and other related support,
- Establishing priorities, and adjudicating conflicting demands for support,
- Coordinating inter-jurisdictional mutual aid,

- Activating and using communication systems,
- Preparing and disseminating Emergency Public Information,
- Disseminating community warnings and alerts,
- Managing the movement and reception of persons in the event an evacuation is ordered,
- Collecting, evaluating and disseminating damage information and other essential data,
- Responding to requests for resources and other support,
- Restoring essential services.

Upon notification of a crisis it is imperative to notify the campus of life saving tactical information that can enhance safety and emergency response as quickly as possible. Mount Mercy has several means to provide notification and the initiation of a specific system is dependent on the type of emergency. Immediate authority for activation of any piece of the emergency notification system shall include, but not be limited to:

**Director of Public Safety**, Ray Kessenich, 319-363-8213 ext 1028

**Director of Resident Life**, Jennifer Hanson, 319-363-8213 ext 1554

**Assistant Vice President for Communications and Marketing**, Fritz McDonald, 319-363-8213 ext 1205

The available methods of emergency notification at Mount Mercy are detailed as follows; each type of emergency communication vehicle will be evaluated for use based on distinct emergency situations;

Blackboard Connect-ED system (emergency e-mail, voice phone or text message)

Internal Mount Mercy mass e-mail/phone message

Fire Alarm (all buildings)

Audible Intercom (Regina/McAuley only)

When an emergency situation arises, the Public Safety Director may activate the full Emergency Plan with the consent of the Cabinet. She/he will retain control of the Emergency Operations until relieved by the President of the university or his designee.

Mount Mercy University conducted an announced test of the notification provisions of the Connect-ED system on September 1, 2010. An unannounced test of the fire system within Regina and McAuley Residential Halls occurred on March 25, 2010 and October 20, 2010.

#### **A. DEPARTMENT OF PUBLIC SAFETY**

- The role of Mount Mercy's Department of Public Safety is to provide an environment that is conducive to learning and to insure that persons, buildings and property are safe and secure. However, the participation of the entire campus community is necessary in order to achieve the safest campus possible.
- The Department of Public Safety is located in room 115, University Center. In case of

emergency, persons should call extension 1234 from any campus phone, or 319-363-1323 extension 1234 from any off campus or cellular telephone. For nonemergency situations, persons should contact the Director of Public Safety at x1028 or 319-363-8213 extension 1028.

- The Mount Mercy University Department of Public Safety is operational 24 hours a day, seven days a week. In addition to full-time staff members, Public Safety utilizes work study students to assist in parking enforcement and during special events on campus. Mount Mercy operates an administrator-on-duty call system to ensure that administrative support and decision-making capacity is always available. All Public Safety staff members are trained in CPR/1st Aid/AED, emergency response, evacuation procedures and interpersonal skills.
- Mount Mercy's campus falls under the jurisdiction of the Cedar Rapids Police Department, the Linn County Sheriff's Department and the Iowa Division of Public Safety. The Department of Public Safety maintains a positive and open relationship with each of these agencies. The appropriate agencies assist the Department of Public Safety in campus crime investigation. The Public Safety department monitors and records, through local police crime data, off campus events sponsored by recognized student organizations.
- The Department of Public Safety and other departments of the University provide several security programs including an on-campus escort program; lost and found; student education on fire safety, personal safety, alcohol and other drug programs.
- Public Safety will respond to any request for assistance. For emergencies requiring outside assistance, Public Safety will request immediate support from local fire, law enforcement, or medical agencies.
- Members of the Department of Public Safety do not possess arrest authority. Mount Mercy University does, occasionally, hire police officers with full arrest authority (Cedar Rapids police officers) to assist in University functions and activities.

## **B. REPORTING CRIMES**

1. Importance of reporting: Crime prevention cannot take place without the assistance of the Mount Mercy University community. The prompt reporting of crimes and suspicious behavior as well as cooperating with the authorities during the investigation of crimes or offenses is encouraged. Your cooperation can aid us in preventing others from being victimized. The Department of Public Safety will assist anyone in filing a report with law enforcement agencies.

2. Reporting Policies: In the event that you receive criminal or emergency information, you are encouraged to promptly contact local authorities as well as the Department of Public Safety. By reporting such information to the Department of Public Safety, patterns are sometimes developed, aiding in detection and prevention of further victimization.

3. Confidential Reports: Should you be the victim of a crime which you do not choose to report, confidential assistance is available. The Mount Mercy Counseling Service and the Campus Chaplain are not required by the Clery Act to inform Mount Mercy University authorities when a crime is reported to them. However, these departments are encouraged to report limited information to the Department of Public Safety on a confidential basis so that the University may better evaluate the need for a campus safety alert and disclose the

most accurate information available in its annual report. Only information relating to the nature of the crime and its location is provided to the Department of Public Safety. The identity of victims and witnesses will remain confidential.

4. Emergencies: In the event of an emergency, the police should be contacted immediately. 911 telephone service is in effect for the entire city of Cedar Rapids. If dialing from a campus telephone, please dial 9-911.

- Emergency medical care is provided at all hours at both Mercy Medical Center, 701 10th Street SE, 319-398-6041, and St. Luke's Hospital, 1026 A Avenue NE, 319-369-7105.

- In the event of a campus emergency or disaster, the Crisis Management Team is activated and all directives and information is disseminated from the headquarters of that team. The University has developed an extensive plan to cope with such situations if they develop.

5. Non-Emergencies: Reports should be directed to the respective police agency which has authority to file criminal charges in the geographical area in which a crime was committed. In addition, crimes occurring on or around campus should also be reported to the Department of Public Safety, located in room 115, University Center or by calling on campus extension 1234.

6. Additional Services Provided: Mount Mercy University provides or otherwise supports post-emergency and post-crime counseling services for students, staff and faculty. Among the departments and agencies which provide such services are the following:

(a) Mount Mercy Counseling Services

Room 240G, University Center

319-363-8213 extension 1257

(b) Employee Assistance Program

800-450-1327

[www.MagellanAssist.com](http://www.MagellanAssist.com).

(c) Waypoint Services Sexual Assault Intervention Crisis Line

319-363-5490

(d) Rape Victim Advocacy Program

800-284-7821 (State Wide Hot Line)

(e) Area Substance Abuse Council

3601 16th Ave. SW

319-390-4611

## **C. SECURITY OF CAMPUS FACILITIES**

1. General Access to University Buildings: Mount Mercy University is a private institution of higher learning. Most buildings open to the public are closed and locked after regular business hours, allowing only authorized personnel access to certain buildings/areas.

2. Access to Residence Halls: Regina and McAuley Halls use an electronic card access system. Once activated, these locks will not allow access to the building without the proper access card. Entry must be made at an entrance with a card reader. Additionally,

each floor is secured with floor security keys at the stairwell entrances and electronic access readers on the elevators. Andreas House residences remain locked 24 hours a day, with access by proprietary key/lock system. Each Lower Campus Apartment is equipped with door knob and dead bolt locks on the front doors.

- Within each residential area, each room door may be locked. Each resident is advised to keep the room door locked at all hours of the day. Residents are responsible for the conduct of their guests. At least one trained staff member is on duty 24 hours a day. Depending upon the rules of each living area, visitation of the opposite gender may be limited to certain hours of the day.

- Unauthorized individuals found within residence halls are subject to University disciplinary action and/or arrest by local authorities.

3. Access to Academic Buildings: The Department of Public Safety routinely patrols these buildings which are closed during non-business hours to ensure they remain locked. Each building has a scheduled time to be secured and only authorized staff members are provided access to secured buildings.

4. Physical Environment: All aspects of the physical environment are regularly assessed for safety. Such activity includes regular inspections of all fire alarm systems, fire extinguishers, door alarming systems, and daily inspections of lighting of the campus.

- Residence halls are equipped with fire alarming systems. These alarms signal at the fire alarm panel in the McAuley Switchboard and are monitored by an off campus service provider responsible for notification of Cedar Rapids Fire Department and Public Safety staff. In addition, there is an audible alarm which sounds in the affected residence hall. Andreas House is equipped with a sprinkler system, as is the dining services area in University Center.

5. Monitoring University Property: Staff of the Department of Public Safety monitors the campus 24 hours a day, 7 days a week. The frequency and intensity of monitoring increases during the night time hours. The campus remains lighted throughout the night. Emergency phones, equipped with flashing blue strobe lights are located across campus, and a closed circuit television recording system also monitors a number of campus buildings, entrances, and parking areas. Maintenance crews routinely replace lights, trim shrubbery, and remove snow, ice and other debris from pathways and parking lots.

## **D.CAMPUS LAW ENFORCEMENT**

1. Arrest Authority: Members of the Department of Public Safety staff do not possess arrest authority. They do have the authority to ask persons for identification and to determine whether individuals have lawful business at Mount Mercy University. Department of Public Safety staff has the authority to issue parking tickets, which are billed to financial accounts of students, faculty, and staff. Mount Mercy does occasionally hire police officers with full arrest authority to assist in activities and functions of the University.

2. Security Staff Training: Each member of the Department of Public Safety receives training on an annual and on-going basis relative to emergency medical situations (CPR/1st Aid/AED); fire prevention; evacuation plans; disaster recovery plans; student issues and student and employee safety.

3. Interagency Relationships: The campus is located within the city of Cedar Rapids and

Linn County. Accordingly, Mount Mercy University falls into the jurisdiction of the Cedar Rapids Police Department, the Linn County Sheriff's Department and the Iowa Division of Public Safety. Positive and open relationships are maintained between these authorities and the Department of Public Safety.

4. Weapons Policy: It is a violation of University rules and regulations to possess firearms, fireworks, explosives, ammunition, knives, bows and arrows, or other weapons capable of inflicting personal injury anywhere on campus or on one's person while attending any event at Mount Mercy University.

5. Drug Policy: The use or possession of illegal drugs as well as the abuse of alcohol and other intoxicants creates a serious threat to the health and well being of the user, and, in some instances, to other individuals as well. Mount Mercy University has a responsibility to provide a work environment free of drugs and alcohol, and employees have the right to perform their duties with unimpaired colleagues.

- In compliance with the Drug Free Workplace Act of 1988, all Mount Mercy University faculty and staff are notified that, as a condition of employment, the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is strictly prohibited.

- To assist employees in broadening their knowledge of the harmful effects of controlled substances, and in the treatment of alcoholism or addiction to controlled substances, Mount Mercy University will do the following:

- A. Periodically sponsor programs and provide information regarding the dangers of drug abuse.

- B. Notify all employees of the University's policy of maintaining a drug-free environment.

- C. Provide referrals and work cooperatively with area agencies regarding drug abuse concerns.

- D. Notify employees of the penalties which may be imposed for drug abuse violations.

- Mount Mercy University will impose sanctions on any employee who is found to be in violation of this policy.

- Anyone who violates this policy will be subject to disciplinary action. Following an appropriate investigation and subject to existing procedures governing the relevant type of appointment to the University, the faculty or staff member can be subject to any one or a combination of the following disciplinary and/or educational sanctions in consultation with the Director of Human Resources:

- A. Reprimand, suspension or termination;

- B. Required substance abuse counseling;

- C. Required substance abuse rehabilitation; and

- D. Required attendance at designated substance abuse program.

- Any employee who receives a criminal drug statute conviction for a violation occurring in the workplace must notify the respective supervisor of their department within five days of the conviction. The supervisor must in turn notify the Office of the President within five days of learning of the conviction. If any of the employee's compensation is from a federal contract or grant program, the University must then notify the respective federal agency within ten days after receiving notice from the employee or of learning about an employee's criminal drug statute conviction for conduct in the workplace.

6. Alcohol Policy: Statement of Philosophy/Purpose

Mount Mercy does not encourage consumption of alcoholic beverages, nor does Mount Mercy promote the use or abuse of them. In keeping with the federal Drug Free Schools and Communities Act of 1989, and with other federal legislation, Mount Mercy has established policies and programs which address the use and abuse of alcohol. Such policies are a requirement for the receipt of federal financial assistance, including financial aid to students.

Mount Mercy students are considered to be responsible individuals who are expected to behave in accordance with state and local law and the Mount Mercy alcohol policy. Mount Mercy respects students' privacy and autonomy, assumes they will behave legally and responsibly, and will not use unjustified means to verify compliance. When violations of law or policy come to the attention of school officials or agents, however, justified sanctions will be imposed and repeat violations will be dealt with more severely.

### **Health Risks**

As an educational institution, Mount Mercy endeavors to protect and assist students by providing reliable information about the hazards of illegal drugs and alcohol. Health risks include, but are not limited to, adverse modification of one or more body systems, such as the nervous, cardiovascular, respiratory, muscular, endocrine, and central nervous systems; toxic, allergic, or other serious reaction; unfavorable mood alteration; and addiction. Physiological and psychological dependency, which manifests itself in a preoccupation with acquiring and using one or more drugs/alcohol, may cause severe emotional and physical injury.

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Common side-effects of alcohol consumption include digestive complaints and sleep problems and may adversely affect a student's academic performance. Because alcohol increases aggression, excessive consumption may lead to fighting, vandalism, criminal mischief, and verbal abuse. Alcohol abuse often plays a role in unwanted pregnancies and rape.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.

### **Legal Sanctions**

Under state law, the legal age for possession or drinking of alcohol is 21. State law prohibits public intoxication; driving a motor vehicle with an unsealed receptacle

containing an alcoholic beverage in the vehicle; giving or selling an alcoholic beverage to anyone intoxicated; and possession of an alcoholic beverage under legal age.

Each of these violations is a simple misdemeanor offense punishable by up to 30 days in jail and up to \$100 fine. In addition, a person found guilty of giving or selling an alcoholic beverage to a person under the legal age will be fined a minimum of \$500. State and federal legal sanctions are subject to change by the General Assembly and Congress, respectively. Sanctions for violations of Mount Mercy Policy are listed under “Enforcement Procedures,” section of The Good Book (student handbook).

#### Alcohol and Other Drug Education Services

Mount Mercy University offers a range of services for persons who want to learn more about alcohol and other drugs, are concerned about their own or someone else’s substance abuse, or are recovering from substance abuse problems.

Campus student services where you may receive information and/or assistance include:

Counseling Services Ext. 1257

Residence Life Ext. 6469

Health Services Ext. 1283

Wellness Programs Ext. 1296

Public Safety Ext. 1234

The Mount Mercy University Catalog also lists a number of academic courses which provide information on alcohol and other drugs from a variety of perspectives. Course topics include, but are not limited to: pharmacology, health psychology, criminal justice, chemistry, music philosophy, history, and social work. Specific courses include Criminal Law, General Chemistry II, Nutrition, Biochemistry, Organic Chemistry, Microbiology, Introduction to Music, Philosophy of Human Nature, Nineteenth Century Europe, Western World Since 1648, American History, Nursing Complex Health Care, Foundations of Education, Human Relations, Inquiry and Expression, Introduction to Psychology, Abnormal Psychology, Introduction to World Religions, Basic Skills for Human Service Workers, Social Work Practicums, and Social Systems and Social Functioning.

There are also a number of community agencies where individuals may receive educational information, assessment, and support. Services include substance abuse assessment and referral, outreach, education, and support groups. Several such agencies are listed below.

Abbe Center for Community Mental Health 520 11th Street NW – 398-3562

Area Substance Abuse Council, 3601 16th Avenue SW – 390-4611

Foundation 2 Crisis Line – 362-2174

Hillcrest Family Services, 205 - 12th Street SE – 362-3149

Mercy Behavioral Services/Sedlacek, 701 Tenth Street SE — 398-6226

St. Luke's Chemical Dependency Unit, Kirkwood Resource Center  
1030 Fifth Avenue SE, Lower Level – 363-4429

### **Alcohol Regulations**

According to the Iowa Code, persons who are 21 years of age may use and possess alcohol, but may not give alcoholic beverages or resell them to persons who are under age (21). Underage students at Mount Mercy University who possess or use alcohol are subject to disciplinary action by the University. Underage possession and use may result in civil or criminal penalties. The University may report violations of these regulations to civil authorities. Parents or legal guardians may be notified concerning violations of underage possession, use, or provision to others of alcohol or any illegal substances, as provided for under the Campus Disclosure Act of 1998.

Excessive alcohol consumption and/or the resulting irresponsible behavior are inconsistent with the goals and mission of the University. Any/all individuals present during an alcohol policy violation may be found guilty of a behavioral violation and subject to disciplinary action by the University.

1. Students who are not of legal age are not allowed to consume or possess alcohol.
2. Alcohol may not be consumed or possessed in Regina or McAuley Halls regardless of age.
3. The consumption or possession of alcoholic beverages is prohibited in all public areas. This includes hallways, public lounges or patios, recreational areas, campus grounds, and parking lots.
4. Kegs, including party balls or other containers of alcohol larger than 1 quart, are not permitted by the University.
5. If policies regarding the consumption or possession of alcohol are violated, unopened containers of alcohol will be confiscated. Under no circumstances will confiscated alcohol be returned to persons not of legal age.
6. In the Andreas House suites and Lower Campus Apartments the following policies apply:
  - a. To prevent large group drinking, there may be no more than ten (10) of-age people in an Andreas House suite and no more than nine (9) of-age people in a Lower Campus apartment while alcohol is being consumed.
  - b. Students who are of legal age may possess/consume alcohol as follows (as long as no other policies are being broken):
    - (1) Alcohol may be consumed and/or possessed anywhere in the suite or apartment if everyone living in the suite or apartment is verifiably of legal age. Everyone present when alcohol is present must also be verifiably of legal age.
    - (2) If there are both of-age and underage people living in the same suite/apartment, roommate pairs who are both of legal drinking age, may consume, possess, and store alcohol in their

private bedroom only. The number of open alcohol containers present (whether empty or not) may not exceed one container per individual of legal drinking age in the bedroom where

alcohol is being consumed. Empty containers must be properly disposed of prior to opening another container.

(3) Guests who are of legal drinking age may be present as long as the number of individuals allowed in the suite or apartment is not exceeded (see paragraph 6a above).

c. At Andreas or Lower campus, alcohol may NOT be consumed or possessed under the following circumstances:

(1) No underage guests are allowed in the suite or apartment when alcohol is present.

(2) If there are underage residents living in the suite or apartment, alcohol may not be consumed, possessed, or stored in the public living areas (this includes the kitchen, kitchen refrigerator, living room, bathrooms, and hallways).

(3) If only one individual in the roommate pair is of legal drinking age, no alcohol may be consumed, possessed or stored in the bedroom.

(4) Suite/apartment-mates not of legal drinking age may not enter the bedroom where alcohol is being consumed.

(5) No open alcohol containers are permitted outside resident building (patios, entry ways, campus grounds, or parking lots).

Open containers include cans, bottles, cups, glasses, squeeze bottles, or other containers on which the original seal has been broken.

### **Alcohol Usage at Off-Campus Events Sponsored by Student Clubs or Organizations**

Mount Mercy University discourages University clubs and organizations from hosting or sponsoring off campus events where alcohol is sold or served. If an organization chooses to host or sponsor an event where alcohol is sold or served, the following rules are to be observed:

- Alcohol can only be sold and served in a private room or designated area separate from the primary party, dance, or event. Those under the age of 21 are not permitted to enter this area.
- Alcohol may not be brought out of the designated alcohol sales/consumption area.

The following rules must be observed:

- No University money may be used to purchase alcohol.
- No club, student, or employee of the University may receive any portion of the money made from the sale of alcohol at the event.
- Alcohol may not be provided or distributed by student organizations or

members of student organizations.

- Nonalcoholic beverages must be available.
- Alcohol may not be carried into the facility; nor may students come and go from the party frequently.
- Only single servings may be purchased; no pitchers are permitted.
- Students may not purchase more than one alcoholic beverage at a time.
- No University employee or student may certify age; only licensed agent may authorize age appropriate sale or provision.

Club officers and advisors are responsible for these stipulations related to the use of alcohol.

## **7. Sexual Abuse and Assault Policy and Programs:**

### **Statement of Policy**

Sexual abuse is a serious criminal offense which can adversely affect the lives of all concerned. Mount Mercy is committed to addressing allegations of sexual abuse and to providing counseling and support. The University shall maintain the confidentiality of all proceedings to the extent that University procedures and state and federal law allow.

### **Sexual Abuse**

Sexual Abuse: Any sexual act between persons (including: non-consensual sexual intercourse (rape); non-consensual sexual contact (sexual assault) and sexual exploration is sexual abuse by either one when the act is performed with the other participant in any of the following circumstances:

1. The act is done by force or against the will of the other. If the consent or acquaintance 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-induced sleep, or is otherwise in a state of unconsciousness, or the act is done against the will of the other.
2. When the victim is incapable of giving consent because he or she suffers from a mental defect or incapacity or lacks the mental capacity to know the right and wrong of conduct in sexual matters.
3. The other person is a child.

Consent is informed, through mutually understandable words, which indicate a willingness to participate in mutually agreed upon sexual activity. Furthermore, at any time during consensual sexual activity, a person may refuse to continue further with any sexual activity. From the point of refusal; previous consent is rendered invalid.

### **State of Iowa Statute**

The State of Iowa defines incapacitation as meaning a person is disabled or deprived of ability, as follows:

⚔ “Mentally incapacitated” means that a person is temporarily incapable of apprising or controlling the person’s own conduct due to the influence of a narcotic, anesthetic, or

intoxicating substance.

∪ “Physically helpless” means that a person is unable to communicate an unwillingness

to act because the person is unconscious, asleep, or is otherwise physically or mentally limited.

∪ “Physically incapacitated” means that a person has a bodily impairment or handicap that substantially limits the person’s ability to resist or flee.

The State of Iowa and Mount Mercy University use the following sexual abuse definition.

Sexual abuse is considered a felony as defined in Section 709 of the Iowa State Code.

Sexual assault is considered first-degree sexual abuse under Iowa law. Sexual assault is

defined as forced penetration of the vagina, anus or mouth with a finger, penis or any

other object. Although the term “rape” is used in this policy and in other educational

material, the Iowa legal system uses the umbrella term of sexual abuse and sexual assault,

and not the specific term “rape,” when cases are taken to court.

Sexual assaults occur on a broad continuum and include—criminal behaviors

endangering another/other persons. They range from verbal assaults to rape. Mount

Mercy University takes a very strong stance against acts of violence by a member of our

community. Students found responsible of sexual assault can expect strong disciplinary

actions by the University. Any community member with knowledge of any incidents of

sexual assault should report them to the Mount Mercy University Department of Public

Safety and Cedar Rapids Police Department.

### **Sex Under the Influence**

As outlined above, consenting sex recognizes sober, verbal communication, free of threats or other coercion. University policy recognizes that someone who is under the influence of drugs and/or alcohol is unable to give consent.

### **Support**

Mount Mercy encourages all individuals who have been sexually abused to seek medical attention as well as emotional support. The University Health Services Office and University counselor are available to assist students. Employees may seek assistance through the University’s Employee Assistance Program. It is recommended and encouraged that a survivor seeks confidential counseling.

### **Reporting**

Incidents of sexual abuse may be reported either by the complainant, or by another person with the approval of the complainant, who shall serve as a liaison with the appropriate University personnel. This may be done without revealing the name of the complainant. The information will be kept confidential to the full extent permitted by law. The complainant is required to report any incidents of alleged sexual abuse to the Cedar Rapids Police Department.

### **Sexual Harassment**

A person with a complaint may contact any trusted person (e.g. one of the deans, the counselor, residence life, and an academic advisor). This person will then assist the

complainant in contacting the Equal Opportunity Officer (EOO). The EOO will maintain a record of and investigate any reported additional incidents.

### **Campus Safety**

Mount Mercy expects students, faculty, and staff to report allegations to the Cedar Rapids Police Department for any investigation and possible charges. Mount Mercy safety assistants will respond to an emergency, but safety assistants are not law enforcement officers.

### **University Disciplinary Proceedings**

The complainant may file an internal complaint against the accused using the formal process provided for sexual harassment complaints. Either party may have an advocate at any meetings or hearings related to this matter. This process may be used whether a criminal charge is filed or not and also may be used if the alleged assailant is found not guilty in a criminal court. The University reserves the right to bring a complaint against a student for sexual misconduct if the student is deemed a threat to the University community. If the incident has been reported to the police and the alleged assailant has been charged with the crime, the individual may be suspended indefinitely pending review of the circumstances by the University. The assailant may be expelled, suspended for a specific period, or barred from attending, determined by the appropriate vice president.

In a situation where an allegation of sexual abuse has occurred, the University will make every effort to change a complainant's academic employment and/or living situations, if requested and reasonably available. Both the accuser and the accused must be informed of the outcome of the institutional disciplinary proceeding that is brought alleging a sex offense.

### **Retaliation**

Retaliation of any kind against anyone in good faith filing a complaint of sexual abuse or participating in the investigation process is prohibited and may be sanctioned. Any individual making malicious or deceitful allegations of sexual abuse may also be subject to appropriate disciplinary sanctions.

### **Sex Offender Registry**

All Mount Mercy University students and employees are advised of Iowa Code, Section 692A.3A which 'provides that a person required to register under the Iowa Sex Offender Registry law who is a full-time or part-time student or is employed on a part-time or full-time basis at an institution of higher education must register with the sheriff of the county in which the institution is located and provide the sheriff with the name of the institution. The person must register with the sheriff within five days of becoming a student or becoming employed at the institution. In compliance with the Clery Act, the Mount Mercy community is advised that the Iowa Sex Offender Registry is available at [www.iowasexoffender.com](http://www.iowasexoffender.com). Additionally, in that Mount Mercy campus property lies in legal proximity to elementary and middle schools and under provisions of Iowa Code

692A.3A, Mount Mercy will not offer housing nor permit occupancy to those listed on the Iowa Sex Offender Registry.

### **Missing Student Policy**

If you believe that a student is missing, whether or not the individual resides on campus, contact any employee of the Department of Public Safety, the Office of the Residence Life, or the Vice President for Enrollment and Student Life. Once it is determined that reasonable cause for further action exists, all possible efforts will be made to locate the individual in order to ascertain his or her state of health and well-being. Although 24 hours missing is often used as a guideline to warrant implementation of actions, there should be no hesitation in reporting a missing student if circumstances warrant a faster course of action.

In the case of an on-campus resident, each student has the option to register a confidential contact person to be notified in the case that the student is determined to be missing. Only authorized campus officials and law enforcement officers in furtherance of a missing person investigation may have access to this information. Regardless of the student preference in selecting a contact person, the Cedar Rapids Police Department or other appropriate law enforcement agency will be notified if the student is missing. As a matter of procedure in a missing person investigation, the Mount Mercy University Public Safety Department will obtain identifying information on the missing student, and endeavor to determine the student's whereabouts through contact with friends, roommates, associates, and/ or employers of the student. Whether or not the student has been attending class, labs, recitals, scheduled organizational or academic meetings, or appearing for scheduled work shifts will be established. A welfare check of the student's room will be conducted in coordination with residential life personnel. All information will be shared with the appropriate law enforcement officials.

If the student reported missing is an off-campus resident, the Mount Mercy University Public Safety Department may contact Cedar Rapids Police Department and institute similar procedures. It is also the policy of Mount Mercy University that any student less than 18 years of age and not emancipated will have their parent or guardian notified of their status as a missing person.

If the individual is located, campus officials will:

- Explain the concerns which lead to the actions listed above.
- Attempt to ascertain the student's status with regard to mental/emotional/physical health.
- Work with the individual to arrange for any necessary assistance.
- Work with the individual to allay the concerns of the person(s) filing the initial report.

### **E. SECURITY AWARENESS PROGRAMS**

1. General Purpose: Mount Mercy University designs programs to maintain and improve awareness on the subject of safety and security and encourages students, staff and faculty to take an active role in the deterrence of crime. This is accomplished through a variety of means, including publications, postings, programs and events presented and sponsored by Public Safety and student life departments.

2. General sources of information: By state law, certain information regarding crimes is public information, including the date, time, and specific location, immediate facts of a crime, the name and address of a person arrested, and the nature of the criminal charge. Daily police arrest reports are published in the Cedar Rapids Gazette. Mount Mercy maintains campus safety awareness information in the Department of Public Safety.

3. Timely Warnings: The Mount Mercy Department of Public Safety, in consultation with the Vice President of Enrollment and Student Life or his/her designee, is responsible for issuing timely warnings. Anyone with information warranting a timely warning should report the circumstances to the Department of Public Safety. As soon as possible after the incident is reported to Public Safety, a meeting will be held that will include the Director of Public Safety, the Vice President for Enrollment and Student Life, and the Director of Marketing and Communications to discuss if and when a timely warning should be issued. The decision to issue a timely warning shall be decided on a case by case basis in compliance with the Clery Act and will consider all available facts. The timing of the notification shall be based upon whether the crime is considered a serious or continuing threat to students or employees and the possible risk of compromising law enforcement efforts.

- Procedure: When a determination has been made that a timely warning should be issued, the Department of Public Safety will inform the campus community by taking one or more appropriate steps to ensure timely notification: Invoking Mount Mercy University's text and voice mail notification system.

Issuing a campus-wide communication notification of the timely notice.

Distributing warning fliers around the campus. Including but not limited to all Residence Halls and the Lundy Commons student center.

Posting the warning on the Public Safety website.

Such warning(s) may include, but are not limited to, the following information: Type of crime, date, time occurred, location and any suspect information.

4. Educational Programs: Each year, both Public Safety and student life departments present programs relative to student safety. Depending on availability, special speakers are brought to campus to educate students, faculty, and staff. These programs are presented in residence halls and for the general Mount Mercy community.

- Due to the changing calendar of campus activities over the course of a year, the number of security programs presented varies from month to month. Among the prevention programs regularly offered are acquaintance assault awareness, safety awareness, drunk driving awareness, alcohol use and abuse programming, and fire drills. Both formal and informal programming is provided to students on topics related to crime prevention.

## **F. Mount Mercy Geographical and Statistical Reporting**

Mount Mercy reports statistics from all campus property. Additionally, in compliance with the Clery Act, Mount Mercy University is including reports for all non-campus

building and properties which includes venues in which the Mount Mercy University sports teams practice or utilize for home games, to include;

Xavier High School, 6300 42nd St. NE, Cedar Rapids, IA

Jones Park, Wilson Avenue and Fruitland Blvd SW, Cedar Rapids, IA

Lower Kingston, 950 Rockford Rd SW, Cedar Rapids, IA

Kennedy High School, 4545 Wenig Rd NE, Cedar Rapids, IA

Cedar Rapids Ice Arena, 1100 Rockford Road SW, Cedar Rapids, IA

Hunters Ridge Golf Course, 2901 Hunters Ridge Rd, Marion, IA

Marion High School, 675 S. 15th St, Marion, IA

#### Daily Crime Log

The Mount Mercy University Department of Public Safety maintains a daily crime log that lists all reported crimes. The log outlines the logistics of the crime (date, time, and location), the nature of the crime, and how the crime was handled. It can be viewed by contacting the Director of Public Safety.

#### Crime Statistics

The Department of Public Safety, under the direction of the director or designee, gathers and compiles Mount Mercy University's crime statistics. In addition to the crimes reported to Department of Public Safety, the director also solicits information from the Office of the Dean of Residential Life. Crime statistics in this report from off-campus venues and adjacent streets were compiled in collaboration with Cedar Rapids and Marion law enforcement agencies. It should be noted that the Campus Security Act was amended in 1998 and 2008.

The Mount Mercy University Crime Statistics for 2010 can be viewed at the following website: <http://ope.ed.gov/security/>