Annual Security Report 2013

DISCLOSURE OF CAMPUS SECURITY AND CAMPUS CRIME STATISTICS ANNUAL REPORT 2013

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; Information regarding changes to the CLERY reporting procedures and updates to information required to post to the ASR.
- 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:

**Mount Mercy University President:** Laurie Hamen (319) 363-8213 ext. 6464

**Vice President of Enrollment and Student Services:** Rob Callahan (319) 363-8213 ext. 1018

**Assistant Vice President for Communications and Marketing:** Lisa Lafler (319)-363-8213 ext. 1205

**Dean of Students/ Director of Residence Life:** Malinda Jensen (319) 363-8213 ext. 1630

**Director of Public Safety:** Blake Mikesell (319) 363-8213 ext. 1028 or (319) 538-1797 cell

**Lead Safety Assistant:** Dave Langhurst (319)-363-8213 ext. 1234

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;

• Campus RAVE Mass Communications system which does include e-mail, text, network enabled devices, VOIP enabled phones.
• Internal Mount Mercy mass e-mail/phone message/network based computer notification (ALERTUS).
- Fire Alarm (all buildings)
- Audible Intercom (University Center/Regina/McAuley only)
- Message Boards (University Center 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 RAVE Notification System on April 17th, 2013. An announced mass evacuation drill was performed on April 17th, 2013 in cooperation with the Cedar Rapids Fire Department, Cedar Rapids Police Department, and Mercy Medical Center. The results of this drill were discussed with campus administration, local law enforcement and Mercy Medical Center.

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 121, 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 non-emergency 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; key safe program; 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 services are 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 121, 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
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:

   - Periodically sponsor programs and provide information regarding the dangers of drug abuse.
• Notify all employees of the University’s policy of maintaining a drug-free environment.
• Provide referrals and work cooperatively with area agencies regarding drug abuse concerns.
• 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; consuming alcohol in public places not covered by a liquor control license; driving or being a passenger in a motor vehicle with an unsealed receptacle containing an alcoholic beverage in the passenger area of 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 $200 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. 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

**Alcohol and Drug Abuse Education Services Available to Students:**

To assist students in broadening their knowledge of the harmful effects of controlled substances, and in the treatment of alcoholism or reliance on drugs, Mount Mercy will do the following:

1. Periodically sponsor programs and provide information regarding the dangers of drug abuse;
2. Notify all students of the Mount Mercy’s policy of maintaining a drug-free environment;

3. Provide referrals and work cooperatively with area agencies regarding drug abuse concerns;

4. Notify students of penalties which may be imposed for drug abuse violations.

Mount Mercy has put into action an expanded substance abuse education program. Information is important, but in some cases, there is a need for direct action including assessment, and if warranted treatment. Therefore, Mount Mercy may refer individuals for professional assessment and/or treatment as necessary. RAs or other designated officers of Mount Mercy have the authority to enter resident’s rooms or apartments if there are reasonable grounds to suspect the use of illicit substances. The use of drugs such as stimulants, depressants and hallucinogens without medical direction is dangerous. Students may obtain information regarding the use of controlled substances through the Health Services or Counseling Services on campus, from academic courses which contain such content as described in the Catalog, or from local substance abuse agencies.

**Students should be aware that:**

1. The use of controlled substances except under a doctor’s prescription is illegal.

2. The illegal use, possession or delivery of controlled substances is unacceptable behavior, and the student may be subject to both legal and disciplinary actions.

3. Both state and federal laws prohibit delivery of, manufacture of, or possession with intent to deliver a controlled substance, a counterfeit substance, or a simulated controlled substance. State penalties range from 5 to 50 years confinement and a fine of $1,000 to $1,000,000, depending upon the type and quantity of drug involved. Specific drugs, amounts, and penalties are described in Iowa Code 124.401(1). Federal penalties range from one (1) year confinement to life imprisonment and a fine of $100,000 to $8,000,000 depending upon the type and quantity of drug involved. Specific drugs, amounts, and penalties are described in 21 USC 841(b). State and federal legal sanctions are subject to change by the General Assembly and Congress, respectively.

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
**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 who possess or use alcohol are subject to disciplinary action by the institution. Underage possession and use may result in civil or criminal penalties. Mount Mercy 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 Mount Mercy. Any/all individuals present during an alcohol policy violation may be found guilty of a behavioral violation and subject to disciplinary action by Mount Mercy.

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 one (1) quart, are not permitted by Mount Mercy.

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.
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 (1) 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.

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 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 Mount Mercy money may be used to purchase alcohol.

• No club, student, or employee of Mount Mercy 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 Mount Mercy 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.

Enforcement Procedures:

The use or possession of illegal drugs as well as the abuse of alcohol and other drugs creates a serious threat to the health and well-being of the user, and, in some instances, to other individuals as well. Mount Mercy will take all reasonable actions to provide an environment free of improper use of drugs and alcohol. In compliance with the Drug Free Schools and Communities Act of 1989 and the Drug Free Workplace Act of 1988,

call Mount Mercy students are herein notified that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is strictly prohibited.

Students found in violation of the policy may be referred to the Disciplinary Board. Violators of this policy may be subject to a variety of sanctions, up to and including expulsion from Mount Mercy. 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 Higher Education Amendments Act of 1998.

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.
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.

**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.

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. 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.

**New Guidelines responding to the 2014 Campus SaVE Act and VAWA (Violence Against Women Act):**

In accordance with the recent changes in CLERY reporting and the guidelines set forth, Mount Mercy University will provide the campus community new definitions and policies relating to sexual assault and harassment as follows.

**Sexual Harassment / Abuse**

**3.5.11.1.1 Statement of Policy**

Sexual harassment of students, faculty or staff is not tolerated at Mount Mercy. The community is committed to creating and maintaining an atmosphere in which all members are treated with respect and dignity. This policy is intended to reinforce academic freedom and maintain academic standards as it seeks to assure fairness for all and provide a non-threatening environment for the widest possible exchange of ideas.

Sexual harassment undermines the educational mission of Mount Mercy through its detrimental impact on individuals and our community as a whole. Sexual harassment stifles the realization of the complaining party’s full potential and is especially serious when it exploits a power differential between the parties in the situation.

In seeking to identify and respond to instances of sexual harassment, Mount Mercy recognizes the need to consider accepted standards of mature behavior, academic freedom and freedom of expression. Any alleged conduct will be examined in context and by analyzing the totality of the circumstances.

**3.5.11.1.2 Definition of Sexual Harassment**

Sexual harassment is defined as unwelcome advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

A. Submission to such conduct is made explicitly or implicitly a term or condition of an individual’s employment or status in a course, program or activity;

B. Submission to or rejection of such conduct is used as a basis for an employment or educational decision affecting an individual;

C. Such conduct has the purpose or effect of interfering with an individual’s work or educational performance, or of creating an intimidating, hostile, or offensive environment for work or learning.
Sexual assault, sexual battery, sexual coercion and other forms of sexual violence are forms of sexual harassment. (This definition is in accordance with federal and state civil rights acts including Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964 as amended, and the Iowa Code chapter 216.)

Consent is required for any sexual activity. Just because someone doesn’t say “no” doesn’t mean he/she has agreed to the activity. For a person to give consent to sexual activity he/she must be:

- Sober (someone too drunk to drive or walk home on her/his own is too drunk to give consent)
- Of age (the Student Code of Conduct requires each party to be at least 18 years old)
- Awake and conscious
- Uncoerced and unthreatened (each party must feel free and safe to say yes or no)

Sexual harassment occurs in a variety of circumstances that tend to share a common element – the inappropriate introduction of sexual conduct or comments in the work or educational setting. Behavior that is in violation of this policy is unwanted and demeaning. It would cause a reasonable person to feel humiliation or discomfort. Harassment can occur in a wide range of relationships. It can occur between members of the same sex and members of the opposite sex. Faculty, staff or students may be subjects of sexual harassment or they may be perpetrators of sexual harassment.

Examples of conduct that may give rise to sexual harassment complaints include, but are not limited to:
- Physical assault, indecent exposure, or physical contact of a sexual nature;
- Direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades or letters of recommendation, etc.;
- Direct propositions of a sexual nature;
- Subtle pressure for sexual activity or a pattern of conduct (not legitimately related to the subject matter of a course, if a course is involved) intended to denigrate, distress or humiliate through sexual comments or sexually explicit statements, questions, jokes or anecdotes. This pattern of conduct may include unnecessary touching, unwanted staring, patting, hugging or brushing against a person’s body; remarks of a sexual nature about a person’s clothing or body; or remarks about sexual activity or speculations about previous sexual experience;
- Pattern of conduct that would denigrate, distress or humiliate a reasonable person of the same sex as the person at whom the conduct was directed. The pattern of conduct may, but need not, be of a sexual nature so long as it is directed at another because of sex. Examples include but are not limited to:
  - name-calling jokes or negative comments about the person’s sex/gender
  - physical intimidation, vandalism or pranks
  - displays of reading materials or pictures containing negative material about a particular sex, including electronic materials

3.5.11.1.3 Counseling and Emotional Support
Helping the individual affected by the harassment regain control of his or her choices is an important goal for responding to a party complaining of harassment. If the person does not wish to make a
complaint, he/she may talk to a member of the counseling staff, University Nurse, or the University Chaplain. Because these staff members are professionals with special requirements regarding confidentiality, they are not required to report the incident and will not report the incident unless the complainant decides to release the information. They can provide information and confidential support about choices resulting from sexual harassment or abuse. All other employees of the University are expected to assist in reporting the complaint to the Equal Opportunity Officer (EOO), currently the Director of Human Resources, or the Title IX Coordinator, also the Dean of Students & Director of Residence Life, as explained below.

3.5.11.1.4 Procedures

It is the goal of Mount Mercy to ensure a prompt and thorough investigation and review of allegations of sexual harassment, to find an equitable resolution, to apply disciplinary sanctions or educational solutions where appropriate, and to provide an institutional process to assure fairness to all parties. (If anyone who normally would be involved in this process is a party to the complaint, the President will appoint an alternate). This process provides for both an informal and a formal set of procedures with the intent to insure that all complaints of sexual harassment are addressed and resolved in a fair and equitable manner.

A. Individuals are encouraged, when they are comfortable in doing so, to attempt to resolve their concern privately. However, any member of the Mount Mercy faculty, staff, or student body who believes they have been subjected to unlawful discrimination or harassment may initiate either an informal or a formal complaint, as provided by this policy. Individuals may also file a criminal complaint with the police.

B. As the first step in the process, a person with a sexual harassment complaint may contact any trusted employee of the University. This person will then assist the complainant in contacting the Equal Opportunity Officer (EOO) or the Title IX Coordinator or request that an alternative be designated by the President if the Equal Opportunity Officer or the Title IX Coordinator is the subject of the complaint. Consistent with state and federal time-lines, a complaint should be initiated with the EOO or Title IX Coordinator as soon as possible, but not more than 300 days after the alleged sexual harassment incident.

C. The EOO or Title IX Coordinator will schedule an initial meeting with the Complainant. The EOO or the Title IX Coordinator will also inform the Complainant that he or she has the right to contact the Cedar Rapids Police regarding the matter. The EOO or Title IX Coordinator will not contact the student’s family or guardian unless authorized by the student to do so, though a student will be advised to contact his or her family or guardian themselves. The EOO or the Title IX Coordinator will also make a determination whether immediate action is necessary to protect the safety of the Complainant and take appropriate action.

D. At the Initial Meeting the EOO or Title IX Coordinator will arrange for the complainant to document the complaint in writing. The written complaint should include the following information: name, address and telephone number of the complainant, nature of the complaint, date(s), the location of the occurrence(s), individual(s) involved including possible witnesses, evidence on which the complaint is based, and redress sought by the complainant.
E. The EOO or Title IX Coordinator will inform the Complainant of the options available and determine if the Complainant wishes to proceed under the informal or formal complaint procedure.

**Informal or the Formal Procedure**

For cases involving employees, they will report to the Equal Opportunity Officer housed in Human Resources. For cases involving students, they will report to the Title IX Coordinator and Dean of Students & Director of Residence Life, housed in Student Services. The steps are the same they are just processed in different functional areas.

The Complainant must advise the EOO or Title IX Coordinator in writing within fifteen (15) calendar days of the Initial Meeting whether Complainant chooses to proceed under the Formal or Informal Procedure. If the Complainant does not make a timely choice, the Complaint will be addressed using the Formal Procedure.

**3.5.11.1.4.1 Informal Procedure**

A. If the Complainant chooses to proceed under the Informal Procedure, in situations not involving sexual violence, the EOO or Title IX Coordinator will inform the Accused of the nature of the complaint, identity of the Complainant, the complainant’s willingness to attempt to resolve the matter informally, and that retaliation by the Accused is strictly prohibited and will result in sanctions. The Accused will then be given the opportunity to agree to participate in the Informal Procedure. In the event the Accused chooses not to proceed under the Informal Procedure, the Complainant will be so advised by the EOO or Title IX Coordinator and the EOO or Title IX Coordinator will initiate the Formal Procedure.

B. If after consultation with the Complainant and the Accused the parties agree to proceed under the Informal Procedure, the EOO will notify the appropriate Facilitator of the complaint. (Two neutral Facilitators and two alternates, two faculty and two staff, who will be trained in the process of non-binding mediation, will be appointed by the President at the beginning of each academic year to assist with the Informal Procedure. The faculty Facilitator will facilitate when the accused is a faculty member and the staff Facilitator will facilitate when the accused is an administrator, staff member or student. In the event of a conflict, the alternate Facilitator will serve.

C. If the complaint warrants, the Facilitator may recommend to the EOO or Title IX Coordinator actions protecting the rights and privacy of either the Complainant and/or the Accused until the process is concluded.

D. The Facilitator will meet with the Complainant, the Accused and the EOO or Title IX Coordinator to determine if a resolution is available that is acceptable to the Complainant, the Accused, and the EOO.

E. If a mutually acceptable resolution is agreed upon, the Facilitator will insure that all agreed to steps are taken to finalize the resolution. Finalization of the resolution includes, but is not limited to, a written document signed by the Complainant, the Accused and the Facilitator.

F. If a mutually acceptable resolution is not agreed upon, the Facilitator will then advise the EOO or Title IX Coordinator to initiate the Formal Procedure.

G. The Facilitator will notify the parties of the conclusion of the Informal Procedure, write a summary of
the complaint and the results of the Informal Procedure and file it with the EOO’s or Title IX Coordinator’s office. This summary will be available if there are other alleged incidents of sexual harassment. A written record of any sanctions taken will be placed in the Accused’s personnel or academic file.

H. The Informal Procedure will not be used to resolve complaints of sexual abuse or misconduct.

3.5.11.1.4.2 Formal Procedure

If a complaint is not resolved informally or if the Complainant chooses to initiate the Formal Process:

A. The EOO or the Title IX Coordinator his/her designee will begin a prompt and thorough investigation. The investigation normally will be started no later than ten (10) days after the Formal Process is initiated.

B. If the Accused has not already been informed of the complaint, the EOO or Title IX Coordinator will inform the Accused of the nature of the complaint, identity of the Complainant, and that retaliation by the Accused is strictly prohibited and will result in sanctions.

C. The Complainant, the Accused and appropriate witnesses will be interviewed by the EOO and applicable documents will be reviewed by the EOO or Title IX Coordinator. The Complainant and the Accused may identify witnesses to be interviewed. All interviewees will be directed to maintain confidentiality with respect to the investigation and will be informed about the non-retaliation policy.

D. Upon completion of the investigation, the EOO or Title IX Coordinator will prepare a written report which details the EOO’s or Title IX Coordinator’s findings, conclusions and any recommended actions, which will be shared with the Complainant and the Accused.

E. If the complainant and the accused are both students, the EOO or Title IX Coordinator will determine if the incident should be brought before a Hearing Panel. If this determination is made, the formal hearing panel process in the Code of Student Conduct will be followed. If the one of the parties is not a student, the University Formal Procedure 3.5.11.1.4.2 will be followed.

F. If the Complainant and Accused accept the EOO’s or Title IX Coordinator’s recommended actions, they will be implemented and a final report will be placed on file in the EOO’s or Title IX Coordinator’s office. Any formal action against the Accused will be placed in the Accused’s personnel or conduct file.

G. If either the Complainant or the Accused do not accept the recommended actions, they must give written notification to the EOO or Title IX Coordinator within five (5) calendar days after the EOO or Title IX Coordinator delivers written notice. The EOO or Title IX Coordinator will then notify the other party within five (5) calendar days thereafter and the Complainant, the Accused or the EOO or Title IX Coordinator will then request a fact-finding hearing.

1. Any such request for a Fact-Finding Hearing must be made to the appropriate hearing panel within fifteen (15) calendar days after the EOO or Title IX Coordinator provides written notice by U.S. mail of any recommended actions. The hearing panel will make its decision based on a preponderance of the evidence.

2. Where the Accused is a member of the faculty, the procedures set forth in section
4.14 Grievance Policy of Volume IV, Faculty Manual will apply to the Fact-Finding Hearing and all appeals. Where the Accused is a member of the administration or staff, the procedures set forth in section 5.2 Grievance Policy of Volume V, Staff Policies will apply to the Fact-Finding Hearing and all appeals thereto. (In the event the Accused is a student, the Dean of Students & Director of Residence Life will appoint a student representative to sit as an ex-officio member of the hearing panel).

3. During the Fact-Finding Hearing, the Complainant, the Accused and the EOO or Title IX Coordinator shall each have the opportunity to present evidence in support of their respective positions. The EOO or Title IX Coordinator shall be designated to present evidence to support the position of the University.

4. Legal representation is allowed at the Fact-Finding Hearing, but counsel’s presence is limited to observation and advising the party.

H. The time frames established above may be extended by agreement of the parties or as determined to be equitable by the EOO or Title IX Coordinator.

3.5.11.1.5 Exclusive Procedures
The procedures set forth in Section 3.5.11.1.4 above, including those referenced in subsection 3.5.11.1.4.2.C therein shall be the exclusive procedure through which the matter shall be subject to review within the University.

3.5.11.1.7 Retaliation
Retaliation of any kind against anyone who in good faith files a complaint of sexual harassment or participates in the investigation process is prohibited. An individual who engages in retaliation against a person who files, or participates in an investigation into, a complaint of sexual harassment will be subject to appropriate sanctions. Anyone who believes they have been subjected to retaliation should immediately report the situation to the EOO or Title IX Coordinator.

3.5.11.1.8 False Reports
Any individual making deceitful allegations of sexual harassment will be subject to appropriate sanctions as defined in Section 7: Title IX and Sexual Misconduct.

3.5.11.1.9 Definition of Other Discriminatory Harassment
In addition to sexual harassment defined above, the University prohibits harassment based on any other characteristic protected by law, including, race, color, national origin, creed, religion, age, disability, sex, gender identity and sexual orientation. Like sexual harassment, harassment based on one of these protected characteristics undermines the mission of the University through its detrimental impact on individual students, faculty and on the University community as a whole.

Prohibited harassment is conduct based on one or more of the above characteristics that has the purpose or effect of unreasonably interfering with an individual’s work or educational performance or of creating an intimidating, hostile, or offensive environment for work or learning.
Examples of the types of behavior that may lead to other discriminatory harassment include unwelcome conduct aimed at another because of a protected characteristic that would denigrate, distress, or humiliate a reasonable person, such as:

- name-calling
- jokes or negative comments about protected characteristics
- physical intimidation
- vandalism or pranks
- displays of reading materials or pictures containing negative material about protected characteristics, including electronic materials.

Any student, faculty or staff member who believes he or she has been subjected to other discriminatory harassment may follow the Sexual Harassment complaint procedures set forth above.

This definition is not intended to restrict usual standards of academic freedom.

3.5.11.2 Policy Prohibiting Sexual Abuse

3.5.11.2.1 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.

3.5.11.2.2 Definition of Sexual Abuse
The Iowa Code defines sexual abuse as follows: 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.

3.5.11.2.3 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 EOO or Title IX Coordinator Employee Assistance Program. See Section 3.8.2.3.

3.5.11.2.4 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 encouraged to report any incidents of alleged sexual abuse to the Cedar Rapids Police Department.

A person with a complaint may contact any trusted person (e.g. one of the deans, counselors, residence life staff, an academic advisor. This person will then assist the complainant in contacting the EOO or Title IX Coordinator. The EOO or Title IX Coordinator will maintain a record of and investigate any reported additional incidents, as set forth above in Section 3.5.10.1.4.

3.5.11.2.5 Campus Safety
Mount Mercy expects students, faculty, and staff to report allegations of sexual abuse to the Cedar Rapids Police Department for any investigation and possible charges. Mount Mercy Public Safety Officers will respond to an emergency, but will refer allegations of sexual abuse to law enforcement officers.

3.5.11.2.6 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 Accused 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 Accused has been charged with the crime, the individual may be suspended indefinitely pending review of the circumstances by the University. The Accused may be expelled, suspended for a specific period, or barred from attending, as determined by the Dean of Students & Director of Residence Life or appropriate Vice President.

In a situation where sexual abuse has occurred, the University will take appropriate steps to accommodate changes to a Complainant’s academic, employment and/or living situations, if requested and reasonably available.

3.5.11.2.7 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. Anyone who believes they have been subjected to retaliation should immediately report the situation to the EOO or Title IX Coordinator. Any individual making deceitful allegations of sexual abuse may also be subject to appropriate disciplinary sanctions.

3.5.12 Sex Offender Registry
All Mount Mercy University students and employees are advised of Iowa Code, Section 692A.103 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 all relevant information. 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. Additionally, in that Mount Mercy campus property lies in legal proximity to elementary and middle schools and under provisions of Iowa Code 692A.114, Mount Mercy will not offer housing nor permit occupancy to those listed on the Iowa Sex Offender Registry.

**Section 7: Title IX Sexual Misconduct**

Sexual harassment of students, faculty or staff is not tolerated at Mount Mercy. We are committed to creating and maintaining an atmosphere in which all members of the campus community are treated with respect and dignity. This policy is intended to reinforce academic freedom and maintain academic standards as it seeks to assure fairness for all and thus provide a non-threatening environment for the widest possible exchange of ideas.

Sexual harassment undermines the educational mission of Mount Mercy through its detrimental impact on individuals and our community as a whole. Sexual harassment stifles the realization of the complaining party’s full potential and is especially serious when it exploits a power differential between the parties in the situation.

In seeking to identify and respond to instances of sexual harassment, Mount Mercy recognizes the need to consider accepted standards of mature behavior, academic freedom and freedom of expression. Title IX requires Mount Mercy University to respond to certain harassment on the basis of sex, which it knows about or reasonably should have known about. The university must:

- Investigate what happened.
- Take appropriate steps to resolve the matter. The University must do its best to eliminate the harassment, prevent recurrence, and remedy effects even if no formal complaint has been made or when a person making a complaint does not wish to further participate in the process.
- Take interim measures during the investigation to prevent potential further harassment.

When the Title IX Coordinator receives a complaint of sexual misconduct he/she will immediately begin an investigation. At the conclusion of the investigation the Title IX Coordinator will determine if the incident should be brought before a Hearing Panel.

If this determination is made, the formal hearing panel process in the Code of Student Conduct will be followed incorporating the processes below so as to be in compliance with Title IX.

A. The Complainant may have an advisor/support person with him/her throughout the process.
B. The Complainant does not have to be in the same room as the accused if the student does not feel comfortable. The Complainant may conference in via telephone, Skype, etc.
C. If the Complainant wishes to be in the room, he/she may request a visual separation such as a screen.
D. Past sexual history or sexual reputation will not be admitted information.
E. Cross examination is not allowed, however parties may submit questions to the Presiding Officer to be asked.
F. Both parties will be informed of the institution’s prohibition on retaliation (direct or indirect)
and how to report any suspected retaliation.

G. If the A is found to have violated Mount Mercy’s policy by engaging in sexual misconduct, sanctions must be aimed at eliminating the hostile environment, preventing its recurrence and addressing its effects.

H. Both the Complainant and the Accused are notified in writing of the panel’s decision.

For more information on Mount Mercy University’s Sexual Harassment / Abuse policy see previous section in the Good Book: 3.5.11.1.1 Statement of Policy

Campus Sexual Violence Elimination Act (Campus SaVE Act)
The Campus Sexual Violence Elimination Act or Campus SaVE Act (H.R. 6461) is a bill introduced in the 2nd session of the 111th Congress by Rep. Tom Perriello (D-VA 5th) and a bi-partisan group of 5 co-sponsors from across the country. The measure would amend the federal Jeanne Clery Act to update 18-year-old sexual assault policy requirements for institutions of higher education to also address a broader scope of intimate partner violence including stalking, dating violence, sexual violence/assault, and domestic violence offenses. The Campus SaVE Act also enhances existing prevention education and victims’ rights provisions.

Intimate Partner Violence Policy
The Campus SaVE Act requires institutions of postsecondary education eligible to participate in federal student aid programs to adopt, and disclose in their annual security report a summary of, a policy regarding sexual assault (an existing requirement of the Clery Act) and other intimate partner violence. The term “intimate partner violence” is defined to mean “any physical, sexual, or psychological harm against an individual by a current or former partner or spouse of the individual”. It includes stalking, dating violence, sexual violence, or domestic violence.

New Reporting Categories for Clery: Under VAWA’s SaVE Act institutions are required to add three categories that must be reported under the Clery Act, if incidents are reported to campus security authorities or local police agencies. That’s according to the American Council on Education’s (ACE) “New Requirements Imposed by the Violence Against Women Reauthorization Act” summary (4/1/13). The three categories, as defined in the National Association of College and University Attorney’s (NACUA) “A Brief Analysis of The Violence Against Women Act (VAWA) and Changes to the Clery Act & Title IX Compliance” document (March 2013), are:

1. **Dating Violence** – violence committed by a person
   a. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
   b. where the existence of such a relationship shall be determined based on a consideration of the following factors:
      i. The length of the relationship.
      ii. The type of relationship
      iii. The frequency of interaction between the persons involved in the relationship

2. **Stalking** – See Stalking policy on page 45 for definition.
3. **Domestic Violence**—felony or misdemeanor crimes of violence committed by a current or former spouse 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, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, 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.

**Victim & Accused Rights Provisions**

The Campus SaVE Act establishes a baseline framework for institutions to respond to sexual assault and other intimate partner violence. Mount Mercy University policy will:

- Provide students and employees who report victimization information in writing of their rights to notify law enforcement and to be assisted by campus authorities in doing so, an explanation of their rights to obtain no contact orders or enforce an order already in existence, and contact information for campus and local advocacy, counseling, health, mental health and legal assistance services.
- Provide notification to students and employees who report victimization options for and assistance in changing academic, living, transportation and working situations if requested and reasonably available.
- Provide information for honoring any lawful no contact or restraining order.
- Disclose the range of possible sanctions that may be imposed following an institutional disciplinary procedure.
- Detail procedures victims should follow if a sex offense occurs, including who to contact and information about the importance of preserving physical evidence (an existing provision of the Clery Act).
- Disclose a summary of institutional disciplinary procedures that Accusers shall have the opportunity to request prompt proceedings, Proceedings shall be conducted by officials trained on sexual assault and other intimate partner violence issues, and shall use the *preponderance of the evidence* standard (which is “more likely than not” and the standard used by civil courts in the United States).
- Both accuser and accused are entitled to be accompanied to any related meeting or proceeding by an advisor of their choice, and that both must have the same opportunity to have others present during any proceeding.
- Both Complainant and Accused are entitled to be informed in writing of the final results within one business day of such outcome being reached.

**Sanctioning for Title IX violations**

Any student found responsible for Domestic Violence and/or Dating violence (where no intercourse has occurred) will likely receive a sanction ranging from probation to expulsion, depending on the severity of the incident and taking into account any previous campus conduct code violations.
Any student found responsible for violating the policy on Sexual Violence will likely face a recommended sanction of suspension or expulsion.

Any student found responsible for violating the policy on Sexual Harassment and Stalking will likely receive a recommended sanction ranging from warning to expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations.

*For more information on sanctioning for policy violations see Good Book Section #5: Sanctions.*

**Victims’ Protective Measures**

Immediately after the Intake Meeting, the Title IX Coordinator will determine whether interim interventions and protective measure should be implemented, and, if so, take steps to implement those protective measures as soon as possible. Examples of interim protective measures include: an order of no contact, residence hall relocation, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties involved. Applicable law requires that, when taking such steps to separate the Complainant and the Accused Party, the University must minimize the burden on the Complainant and thus should not, as a matter of course, remove the Complainant from his or her job, classes or housing while allowing the Accused to remain. Violations of the Title IX Coordinator’s directives and/or protective measures will constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent.

**Training, Prevention, and Awareness Programs**

The Campus SaVE Act updates requirements concerning awareness and prevention programming about sexual assault and other intimate partner violence. Mount Mercy University is committed to doing training and awareness programs for students as well as training for officials conducting disciplinary proceedings and/or investigations in a way that protects the safety of victims and promotes accountability. Mount Mercy University does this by:

- Prevention and awareness programming offered for all incoming students;
- Training on sexual harassment, Title IX, consent, and confidentiality for employees;
- Defining and educating student body on consent;
- Reporting sex offenses;
- Facilitating Bystander intervention trainings;
- Risk reduction education;
- Ongoing prevention and awareness campaigns including self-defense classes, seminars and trainings facilitated by local experts in the community, Title IX, Consent, and sexual harassment

Primary prevention is defined to mean programming and strategies intended to stop sexual and intimate partner violence before it occurs through the changing of social norms and other approaches. Awareness programming is defined to mean programs designed to communicate the prevalence of intimate partner violence including the nature and number of cases reported at each institution in the preceding 3 calendar years.
**Best Practices Report**

The Campus SaVE Act provides for the collaboration of the U.S. Departments of Justice and Education to collect and disseminate best practices information about preventing and responding to sexual assault and other intimate partner violence.

**Section 8: Appeals**

A. Right to Appeal

1. Students may request an appeal to the Dean of Students & Director of Residence Life on the following grounds:
   
   a. If there is new information not considered in the original hearing.
   
   b. If the sanction(s) applied do not reasonably fit the violation.
   
   c. If a procedural error occurred during the process.
   
   d. Whether the rights affirmed by the hearing process have been denied.
   
   e. Whether the decision was based on substantiate information.

2. Students have 48 hours from the time they receive notification of a sanction to file an appeal.

3. Appeals will be heard by Dean of Students & Director of Residence Life or his/her designee. In order to file an appeal, the student must submit the appeal in writing. Appeal forms are available in the Dean of Student & Director of Residence Life’s Office.

4. If the Dean of Students & Director of Residence Life served as the original conduct officer, or as the assigned conduct officer, or if the Dean of Students & Director of Residence Life was removed from the process; appeals will be heard by the Vice President of Enrollment and Student Services.

5. If multiple individuals were found in violation and/or sanctioned and wish to appeal, each individual must submit a separate appeal letter.

6. Every effort will be made to conclude the appeals process in a timely fashion.

7. A student’s status and/or participation in sport or other University activities may be altered until a final decision is made. This is true in cases in which a student’s continued presence constitutes an immediate threat or potential injury to himself/herself or others and/or could disrupt the orderly functioning of Mount Mercy University as determined by Dean of Students & Director of Residence Life or appropriate hearing authority.

B. When the Dean of Students & Director of Residence Life receives an appeal, he/she may determine the format of the appeal either an Appeal Board or a Summary Decision. These are final decisions without further appeal.

C. Summary Decision – The Dean of Students & Director of Residence Life will review the written appeal and any related documentation from the original hearing. The Dean of Students & Director of Residence Life will make a final judgment and communicate that in writing to the student.

D. Disciplinary Appeal Board

1. The Appeal Board of the Student Development Committee will serve as the Disciplinary Appeal Board. Members must comply with all requirements set forth in this document.
2. A conduct officer will be assigned to the Disciplinary Appeal Board to serve as a resource for the chair.
3. A Disciplinary Appeal Board reviews the materials of the original case for any validation of the student’s reason for appeal. The process is not a rehearing of the case. The Disciplinary Appeal Board’s decision is final.
4. At the conclusion of the deliberation, the Presiding Officer will provide written notification of the decision within 48 hours to the Conduct Officer assigned to the case. Written/electronic notification of the decision and sanctions as well as appeal procedures if applicable will be sent to the appropriate parties to the address(es) most recently made available to the University.

E. Suspension or Expulsion – In the event that an Appeal Summary Decision or Disciplinary Appeal Board upholds a sanction of suspension or expulsion, the student has the right to make a final appeal to the Vice President of Enrollment and Student Services within 48 hours of receiving the sanction.

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 for Administration 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 Administration, 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 University 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:

<table>
<thead>
<tr>
<th>Crimes</th>
<th>On-Campus Facilities</th>
<th>Sanctions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Manslaughter</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Sex Assault</td>
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<td>1</td>
</tr>
<tr>
<td>Robbery</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Assaults</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Burglary</td>
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<td>0</td>
</tr>
<tr>
<td>Motor Theft</td>
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<td>0</td>
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<tr>
<td>Arson</td>
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<td>0</td>
</tr>
<tr>
<td>Drug Violations</td>
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</tr>
<tr>
<td>Liquor</td>
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<td>23</td>
</tr>
<tr>
<td>Weapons</td>
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<td>0</td>
</tr>
<tr>
<td>Hate Crimes</td>
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<td>0</td>
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<tr>
<td>Theft</td>
<td>7</td>
<td>1</td>
</tr>
<tr>
<td>Simple Assault</td>
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<td>0</td>
</tr>
<tr>
<td>Harassment/Intimidation</td>
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</tr>
<tr>
<td>Vandalism</td>
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<td>0</td>
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<tr>
<td>Smoking</td>
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<td>0</td>
</tr>
<tr>
<td>Domestic Assault</td>
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<td>2</td>
</tr>
<tr>
<td>Property Damage</td>
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<td>0</td>
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<tr>
<td>Illegal Dumping</td>
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<td>0</td>
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<tr>
<td>Totals</td>
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<td>30</td>
</tr>
</tbody>
</table>
Additionally, in compliance with the CLERY Act, Mount Mercy University is including reports for the main campus as well as the Mount Mercy University/ CRST Graduate Center

**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 the Cedar Rapids Police Department. It should be noted that the Campus Security Act was amended in 1998 and 2008.