

Mount Mercy University Clery Report 2020

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Director of Public Safety

Mount Mercy University Clery Report 2020

At Mount Mercy University, the safety and security of all members of our community is paramount. While this document is being compiled to fulfill the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, we do not want to limit our actions to this standard alone. The University strives to provide the safest atmosphere possible. With this in mind, we encourage everyone to provide feedback regarding this report or provide any suggestions regarding the safety of our campus the Director of Public Safety, Joe Cerruto, at 319-363-1323 x1028 or jcerruto@mtmercy.edu.

As provided by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998, students and staff are entitled to request and receive a copy of the Annual Security Report of any campus. This report includes statistics from the previous three years concerning reported crimes that occurred on-campus, in certain off-campus buildings or property owned or controlled by Mount Mercy, and on public property within or immediately adjacent to and accessible from the campus. The report also includes institutional policies concerning campus security such as sexual assault and other matters. You can obtain a copy of this report by contacting the Mount Mercy Public Safety Office in the University Center, 1330 Elmhurst Drive N.E., Cedar Rapids, Iowa 52402-4797 or by accessing the following website www.mtmercy.edu/annual-security-report.

The Good Book, which is the student handbook, can also be reviewed online at <http://catalog.mtmercy.edu/thegoodbook/>.

The 2020 Fire Report can be viewed online at www.mtmercy.edu/annual-security-report and a copy can be requested by contacting the Director of Public Safety, Joe Cerruto, at 319-363-1323 x1028 or jcerruto@mtmercy.edu.

Table of Contents

Department of Public Safety.....	7
Leadership.....	7
Training	7
Coverage	7
Interagency Relationships.....	7
Safety Escort Service	7
Reporting of Crime(s), Fire(s), or Emergency Incident(s)	8
Response to Criminal Reports.....	8
Report Data.....	8
Daily Crime and Fire Logs.....	8
Campus Security Authority	8
Confidential Reporting of Crime or Incident.....	9
Emergency Notification Procedures	9
Annual Test of Emergency Notification System.....	10
Emergency Response Procedures.....	10
Annual Testing of Emergency Response	10
Emergency Building Lockdown and Evacuation Procedure.....	10
Run. Hide. Fight.....	12
Infectious Diseases.....	12
Missing Student Policy	13
Facility Security	14
General Access to University Buildings.....	14
Access to Residence Halls	14
Access to Academic Buildings	14
Physical Environment.....	14
Monitoring University Property.....	14
Family Educational Rights and Privacy Act (FERPA).....	15
Directory or Public Information	15
Release of Non-Directory Information.....	15
Exceptions Under FERPA.....	15
Disclosure to Parents	16

Mount Mercy University Clery Report 2020

Iowa Sex Offender Registry..... 16

Policies 16

 Alcohol Policy 16

 Legal Sanctions..... 17

 On-Campus..... 17

 Alcohol Usage at Off-Campus Events Sponsored by Student Clubs or Organizations..... 18

 Drug Policy 19

 Health Risks:..... 19

 Alcohol and Drug Abuse Education Services Available to Students: 20

 Students should be aware that:..... 20

 Enforcement Procedures 20

Resources for Students and Staff..... 21

Security Awareness Programs 21

 Definitions..... 21

 Awareness programs 21

 Bystander intervention 21

 Ongoing prevention and awareness campaigns..... 21

 Primary prevention programs..... 21

 Risk reduction 21

 General Purpose 21

 General sources of information 22

 Timely Warnings 22

 Educational Programs 22

Title IX 23

 Gender Based Misconduct Policy..... 23

 Introduction 24

 Title IX Coordinator 24

 The Title IX Coordinator at Mount Mercy University 25

 Overview of Policy Expectations..... 25

 Physical Sexual Misconduct 25

 Sexual Violence Risk Reduction Tips 26

 Sexual Misconduct Offenses include, but are not limited to:..... 27

Mount Mercy University Clery Report 2020

Sexual Harassment is: 27

Three types of Sexual Harassment..... 27

Non-Consensual Sexual Contact 28

Sexual Contact includes: 28

Sexual Assault 28

Sexual Exploitation..... 28

Sexual Intimidation 29

Applicable Definitions 30

Other Misconduct Offenses when sex or gender-based 31

University Disciplinary Proceedings..... 32

 Procedures 32

 Informal or Formal Procedure 33

 Sanction Statement..... 35

 Appeals..... 35

 The procedures governing the hearing of appeals include the following: 36

 New Reporting Categories for Clery 37

Resources..... 37

Campus Sexual Violence Elimination Act (Campus SaVE Act) 37

Victims’ Rights Provisions 38

Victims’ Protective Measures 38

Best Practices Report 39

Counseling and Emotional Support 39

Training, Prevention, and Awareness Programs..... 39

Reporting 39

Confidentiality, Privacy and Reporting Policy 40

 To report confidentially 40

 Reporting to those who can maintain the privacy you want to share 40

 Non-confidential reporting options 41

 Federal Statistical Reporting Obligations..... 41

 Federal Timely Warning Reporting Obligations..... 41

 Questions and Answers..... 41

2020 Crime Statistics..... 44

Mount Mercy University Clery Report 2020

Criminal Offenses- On Campus	45
Criminal Offenses – On Campus Student Housing Facilities	45
Criminal Offenses- Noncampus	46
Criminal Offenses – Public Property	46
Occurrences of Hate Crimes – Bias	47
Occurrences of Hate Crimes – Bias on Campus	47
Occurrences of Hate Crimes – Bias On-Campus Student Housing.....	47
Occurrences of Hate Crime – Bias on Public Property or Non-Campus	47
VAWA Offenses – On Campus	48
VAWA Offenses – On-Campus Student Housing	48
VAWA Offenses – Noncampus and Public Property	48
Arrests- On Campus	48
Arrests- On-campus Student Housing Facilities.....	49
Arrests – Noncampus and Public Property	49
Disciplinary Actions – On Campus.....	49
Disciplinary Actions – On-campus Student Housing Facilities	49
Disciplinary Actions – Noncampus.....	50
Disciplinary Actions – Public Property	50
Unfounded Crimes.....	50

Department of Public Safety

Mount Mercy University employs a group of non-certified Public Safety Officers who are tasked with providing campus security. The team provides 24/7 coverage through the utilization of seven full-time and one part-time public safety officers.

Leadership

The Department of Public Safety leadership is:

- Director—Joe Cerruto, jcerruto@mtmercy.edu.

Training

In addition to field training where different patrol techniques are taught, public safety officers also receive training in:

- CPR/AED/choking for all age groups;
- Blood borne pathogens;
- Haz-Mat-Awareness;
- By-stander intervention,
- FEMA-ICS 100 for Higher Education;
- Run-Hide-Fight.;
- Sexual assault training;
- Campus Security Authority (CSA) training.
- Preventing Discrimination and Harassment;
- Preventing Sexual Violence;

Coverage

Public Safety Officers provide preventive patrols, access control, and requests for assistance. Officers can patrol the campus by foot, vehicle, bicycle, or all-terrain vehicle. The Department of Public Safety also oversees the campus fire system, parking system, and information desk. Public Safety Officers utilize cellphones and a digital radio system to communicate with other officers and campus departments.

Interagency Relationships

While members of the Mount Mercy University Department of Public Safety are not certified police officers, they do collaborate with local law enforcement regarding situations that requiring police services. The Cedar Rapids Police Department provides law enforcement coverage for the Mount Mercy Campus as the campus is located within Cedar Rapids, Iowa. The Linn County Sheriff's Office and Iowa Department of Public Safety also have jurisdiction over the Mount Mercy Campus. Mount Mercy University has several established relationships with other emergency responders including, but not limited to, Cedar Rapids Fire and Linn County Emergency Management.

Safety Escort Service

Any member of the Mount Mercy University community or visitor can contact the Department of Public Safety for an escort throughout the campus. This includes escorting people to and from parking lots as well as providing escorts between buildings.

Reporting of Crime(s), Fire(s), or Emergency Incident(s)

The Department of Public Safety can be reached 24/7 by:

- On-Campus phone or courtesy phone: ext. 1234
- Off-Campus phone or cellphone: 319-363-1323 ext. 1234
- Utilization of any of the four emergency phones placed through campus.

For any emergency incident, Community Members are encouraged to dial 911 and call the Mount Mercy University Department of Public Safety. When an officer receives notification of an emergency on campus, they will ensure the appropriate authorities have been notified or they will make this notification. 911 emergency calls are answered by the Cedar Rapids Joint Communications Center located within the Cedar Rapids Police Department. This center will handle the notification of all the appropriate emergency responders including, but not limited to, fire, police, and emergency medical services.

The Department of Public Safety Director can be reached directly by calling 319-363-1323 x1028.

Mount Mercy University does have an on-site health services program. This resource can be reached at 319-363-1323 x1283. When in doubt or during an emergency, individuals are directed to contact Public Safety for assistance.

Response to Criminal Reports

When a criminal report is generated by the Department of Public Safety, the Director of Public Safety and the VP for Student Success immediately receives the electronic report for review. Based on the situation, a plan is created to identify the appropriate response. In the event of an emergency situation, participants are also encouraged to notify local emergency responders. At no time will the Department of Public Safety discourage the reporting of any incident to local law enforcement.

Report Data

The Director of Public Safety will compile the necessary report data as required by law. All requests for information within and/or copies of a report must be made to the Director of Public Safety for appropriate approval.

Daily Crime and Fire Logs

Any requests to see the daily logs of the Department of Public Safety can be made to the Director of Public Safety or VP for Student Success. This request can be done by email, in writing, telephone, or in person during normal business hours.

Campus Security Authority

Campus Security Authority (CSA) training is conducted through the utilization of the video and quiz supplied by the Clery Center for Security on Campus. All faculty and staff members are considered Campus Security Authorities except for the Director of Counseling, Director of Health Services while providing medical care, and the University Pastor. All CSAs are required to report their findings to the Director of Public Safety. CSA training is included in the new hire orientation program. Residence Assistants, Peer Ministry leaders, and Graduate Assistants also complete the CSA training.

Confidential Reporting of Crime or Incident

Mount Mercy University recognizes the importance of gathering statistical information reflecting the safety and security of our campus. Furthermore, the University recognizes the importance of maintaining confidentiality and allowing anonymous reporting. Mount Mercy University allows the following two options for anonymous reporting of incidents:

- A complainant can request their information remain *confidential* while reporting an incident to the Department of Public Safety. An incident report will be completed; however, all information regarding the identity of the complainant will remain *anonymous*.

Any individual can access the *Silent Witness* form located on the Mount Mercy website. This form will request information regarding the details of the incident. The information will be forwarded to the Department of Public Safety. The direct link for this site is

https://cm.maxient.com/reportingform.php?MountMercyUniv&layout_id=1.

All information reported in a confidential way will be investigated to the fullest extent possible to ensure all measures are being taken to protect our community; however, the purpose of this investigation will not include attempting to identify the reporting party. Under the direction of the Director of Public Safety and/or VP for Student Success, each confidential report will be reviewed and utilized for the appropriate data collection regarding the different regulations with which the University complies with.

The University acknowledges the only parties not required to submit information to the University regarding data collection is the University Priest, Director of Counseling, and Director of Health Services. Please see Campus Security Authority section for further information.

Emergency Notification Procedures

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:** Todd Olson (319) 363-1323 ext. 1660
- **Vice President for Academic Affairs/Provost:** Tim Laurent (319) 363-1323 ext. 7530
- **Vice President for Student Success:** Nate Klein (319) 363-1323 ext. 1630
- **Director of Public Safety:** Joe Cerruto (319) 363-1323 ext. 1028

The available methods of emergency notification at Mount Mercy are detailed as follows with each type of emergency communication tool being evaluated for use based on distinct emergency situations:

- Campus RAVE Mass Communications system which includes e-mail, text, and network enabled devices. This also serves as the campus notification method during a weather emergency.
- 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, Regina, McAuley, and Basile).

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 their designee.

Annual Test of Emergency Notification System

Mount Mercy University conducts a test of the emergency response system at least once a year. This test was completed on August 10, 2020. The system was also utilized several times throughout the year for the activation of tornado drills.

Emergency Response Procedures

Annual Testing of Emergency Response

Mount Mercy conducts yearly testing of the emergency response notification systems and reviews emergency response plans. While only required to complete one drill per year, in 2020 the University, in addition, conducted an emergency response drill focusing on the response by Residence Life staff and Public Safety.

- The Residence Life staff and Public Safety participated in a tabletop disaster drills on January 23, 2020 and March 3, 2020. Both drills were administered and evaluated by the Director of Public Safety. The January tabletop drill addressed pandemic responses for a college campus. The March tabletop drill addressed emergency preparedness on campus. These tabletop drills tested numerous policies ranging from our policies concerning emergency notification, our ability to activate RAVE, as well as our communication tactics during an emergency. A review of the entities of campus with authority to initiate a RAVE alert was conducted as well.

These tabletop drills allow us an opportunity to examine who is authorized to launch RAVE Alerts and to add additional launch personnel, as needed. This redundancy will ensure that a RAVE alert will be sent quickly and effectively.

If you have any questions regarding these drills, their evaluations, or feedback regarding the drills, please contact the Director of Public Safety. For Clery reporting, each university is only required to complete one drill per calendar year.

Emergency Building Lockdown and Evacuation Procedure

Definition

Emergency Building Lockdown and/or Evacuation are temporary procedures implemented to isolate persons from imminent danger by securing one or more buildings on campus or in the case of an evacuation removing persons from the hazard.

Purpose

The intent of Building Lockdown is to secure a building within 60 seconds upon notification. The object of these procedures is the reduction of injury and/or loss of life. In the case of an “active shooter” the object is to minimize the target profile and wait for the police to neutralize the situation.

The intent of Building Evacuation is to remove individuals from a building to a safe area.

Procedure

In case of an emergency, one person should call: 9-1-1.

If you are using a campus phone dial: 9-9-1-1.

When reporting an emergency, provide the following:

- Your name
- A call-back number
- Location of the emergency
- The type of emergency

If you are unsure the situation is an emergency call Mount Mercy Public Safety at 319-363-1323 ext. 1234. If you are calling from a campus phone dial: 1-2-3-4.

- Public Safety will dispatch personnel to assess the situation and react accordingly.
- The Mount Mercy community will receive a message via the Mount Mercy Emergency Notification System.
- Persons in McAuley, Regina and the University Center will be notified via public address system that “Police activity is on-going, please remain in your room and lock your door. This is a Lockdown situation.”

Upon receiving notification to Lockdown, you should:

- Remain calm.
- Remain indoors – Following Lockdown notification disregard a fire alarm unless you smell smoke or receive verbal notification from a competent authority to evacuate.
- Proceed to a room that can be locked and direct any students/staff in the hall into your room immediately.
- Close and lock all doors and windows and shut all blinds.
- If the room cannot be locked, barricade the door with heavy furniture such as desks or tables.
- Turn off all lights and computer monitors.
- Get out of sight – get away from doors and windows.
- Get on the floor or against the wall away from the windows.
- Remain quiet – turn off all devices that emit sound.
- Do not leave until either a uniformed officer gives the “All clear” signal or a university official sends an “All Clear” message.
- Report any injured persons to the authorities.
- Do not leave campus until you are given permission by the police to do so.

Evacuation Procedures:

Building evacuation will vary in nature depending on the building and circumstance.

Tornado Warning:

- In the event of “Tornado Warning” proceed to the tunnel entrance in or nearest your building.
- If you cannot get to the tunnel seek shelter away from exterior doors and windows in the lowest level of the building you can safely get to and if possible, use something to protect yourself from flying debris.
- Storm Shelters
 - All main campus buildings except Andreas use the tunnel system.

Mount Mercy University Clery Report 2020

- Individuals in Andreas will use the 1st floor lounge that is marked with a storm shelter sign.
- Graduate center will use rooms 112 and the lower level Restrooms, which are marked as Storm Shelters..

Fire or Biohazard Emergency in the Building:

- Remain calm.
- Do not use the elevator.
- Proceed to the nearest building exit.
- Get clear of the building.
- Students - Locate your instructor so you can be accounted for.
- Faculty/Staff - report to your supervisor so you can be accounted for.
- Notify emergency personnel if someone is still inside the building.

Run. Hide. Fight.

Throughout 2020, Public Safety conducted training sessions regarding *Run. Hide. Fight.* The Run. Hide. Fight. model originates with the Department of Homeland Security which teaches participants different options they have when they are confronted with an active threat, such as an active shooter. Part of this program layout included trainings for members of the campus community, as well as posting flyers around campus outlining the tenants associated with the Run. Hide. Fight. model.

Infectious Diseases

In keeping with the spirit of mercy and the commitment to those in need, Mount Mercy has developed the following guidelines applicable to the entire Mount Mercy community. Based upon recommendations from the Center for Disease Control, they will be revised as medical and legal research results become available.

Persons diagnosed as having infectious diseases (including AIDS, a positive HIV serology, MRSA, Meningitis, etc.) and who are under appropriate medical supervision will be allowed to utilize all Mount Mercy facilities and services.

Decisions regarding persons needing to withdraw from or terminate services with Mount Mercy because of health reasons related to infectious diseases shall be made on a case-by-case basis with the institution's assistance. Sick leave and leave of absence shall be granted to all employees with illnesses according to Mount Mercy procedures for granting such leave.

The medical records of any person will be considered confidential. The status of the infected person may be communicated to appropriate Mount Mercy and health personnel after consultation with the infected person. The infected person will be expected to act in a responsible manner in his/her relationships with other people and within the institution, in order to lessen the chances of transmitting the disease.

Mount Mercy recognizes the need for counseling, emotional support, and valid scientific information for members of the campus community and will attempt to make appropriate referrals.

Mount Mercy recognizes that its role in the control of infectious diseases is to provide ongoing educational efforts. Therefore, the institution will provide such a program and will encourage full participation.

Routine screening of employees or students of Mount Mercy for infectious diseases shall not be a requirement for Mount Mercy admission, attendance, or employment.

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, VP for Student Success, Assistant Director of Residence Life and/or the Director of Public Safety. 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 the 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 led to the actions listed above.
- Attempt to ascertain the student's status regarding mental, emotional, and 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.

Facility Security

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. Each building has at least one card-access controlled access point.

Access to Residence Halls

Regina and McAuley Halls utilize 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.

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.

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 notifying the Cedar Rapids Fire Department and Public Safety staff. In addition, there is an audible alarm which sounds in the affected residence hall. Andreas House, Regina, and McAuley are all equipped with a sprinkler system, as is the University Center where Regina and McAuley are located.

Monitoring University Property

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. In 2016, 17 security cameras were added to the existing

system. In 2017, 11 security cameras were added at the Plaster Athletic Complex. In 2018, 16 cameras were added to the Rinderknecht Athletic Complex. In 2020, 8 cameras were added to the existing camera system.

Family Educational Rights and Privacy Act (FERPA)

The Family Educational Rights and Privacy Act (FERPA) is legislation which guarantees students' certain rights regarding the student's educational records. Compliance with Clery Act provisions does not constitute a violation of section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly known as the FERPA.

Student rights include:

1. The right to inspect and review their educational records.
2. The right to request amendment of education records the student believes is inaccurate.
3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.
4. The right to file with the U.S. Department of Education a complaint concerning alleged failures by Mount Mercy to comply with the requirements of FERPA.

Directory or Public Information

At its discretion, Mount Mercy may provide "directory information" in accordance with the provisions of the Family Education Rights and Privacy Act of 1974 (FERPA). Directory information is defined as that information which would not generally be considered harmful or an invasion of privacy if disclosed. Designated directory information at Mount Mercy includes the following: student name, local and permanent addresses, telephone numbers, email addresses, dates of attendance, classification (i.e. freshman), full-time or part-time status, class schedule, major field of study, awards, honors (including dean's list), degree(s) conferred (including dates), previous institutions attended, photographs, past and present participation in officially recognized sports and activities, physical factors (height, weight of athletes), date, place of birth and hometown.

Students may block the public disclosure of directory information by notifying the Registrar's Office, Warde 211, and filing the appropriate request to block disclosure form. Students should carefully consider the consequences of a decision to withhold directory information. Regardless of the effect on the student, the institution assumes no liability for honoring the student's instruction to withhold directory information. The block disclosure will remain in place until a written revocation is submitted by the student.

Release of Non-Directory Information

Students may request non-directory information in their educational records be released through authorization, in writing, and specifically including the student name, recipient's name, which record to release and the signature of the student. Examples would include the request to send an academic transcript or the request to release grades to a parent of a student.

Exceptions Under FERPA

Mount Mercy may disclose, without consent, personally identifiable information contained in the student's education records to school officials with legitimate educational interests. A school official is a

person employed by Mount Mercy in an administrative, supervisory, academic, research or support staff position (including safety personnel and health staff); a person or company with whom the institution has contracted; a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

Disclosure to Parents

When a student turns 18 years old or enters a postsecondary institution at any age, all rights afforded to parents under FERPA transfer to the student. However, FERPA also provides ways in which schools may share information with parents without the student's consent.

For Example:

- Schools may disclose education records to parents if the student is a dependent for income tax purposes.
- Schools may disclose education records to parents if health or safety emergency involves their child.
- Schools may inform parents if the student, who is under age 21, has violated any law or its policy concerning the use or possession of alcohol or a controlled substance.

Iowa Sex Offender Registry

All Mount Mercy 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 (5) 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 the website www.iowasexoffender.com.

Additionally, in that the 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.

Any student arrested, charged or convicted or any state or federal law may be subject to immediate housing contract cancellation or suspension of Mount Mercy registration.

Policies

Alcohol Policy

Mount Mercy is committed to maintaining a safe and healthy environment for members of the University community by promoting a drug-free environment. 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 University conducts a bi-annual drug and alcohol prevention report to assess the effectiveness of programs the university utilizes. This report was last published in 2020. If you have any questions regarding this report, please contact the VP for Student Success, Nate Klein at nklein@mtmercy.edu.

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, justified sanctions will be imposed and repeat violations will be dealt with more severely.

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.

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). Mount Mercy allows students who are 21 years of age to drink alcohol in their Andreas or Lower Campus housing assignments. Providing alcohol to students under the age of 18 is considered contributing to the delinquency of a minor, and providing alcohol to students between the ages of 18 – 21 will be considered as providing to students under the legal age, and will be charged as such.

On-Campus

Underage students at Mount Mercy who possess or use alcohol are subject to disciplinary action by the institution and/or local law enforcement. 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 the following alcohol policy violations 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) Students of legal drinking age need to know the following facts:
 - a) Alcohol may not be consumed or possessed in Regina or McAuley halls regardless of age.
 - b) The consumption or possession of alcohol beverages is prohibited in all public areas. This includes hallways, public lounges or patios, recreational areas, campus grounds, and parking lots.
 - c) Kegs, pony kegs, party balls or other containers of alcohol larger than one (1) quart, are not permitted by Mount Mercy.

- 3) If policies regarding the consumption or possession of alcohol are violated, unopened containers of alcohol will be emptied.

In the Andreas House suites and Lower Campus Apartments the following policies apply:

- 1) 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.
- 2) Students who are of legal age may possess/consume alcohol as follows (if no other policies are being broken):
 - a) 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.
 - b) 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.
 - c) 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 1 above).
 - d) 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 buildings (patios, entry ways, campus grounds, or parking lots).
 - (a) 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. 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.

Mount Mercy University Clery Report 2020

- 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 agents may authorize age appropriate sale or provision.

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

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.

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 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:

- Periodically sponsor programs and provide information regarding the dangers of drug abuse;
- Notify all students of Mount Mercy's policy of maintaining a drug-free environment;
- Provide referrals and work cooperatively with area agencies regarding drug abuse concerns;
- 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.

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 wellness 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, all 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 VP for Student Success. 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.

Resources for Students and Staff

Abbe Center for Community Mental Health, 520 11th Street NW, Cedar Rapids, IA 52405 – (319) 398-3562

Area Substance Abuse Council, 3601 16th Avenue SW, Cedar Rapids, IA 52404 – (319) 390-4611

Foundation 2 Crisis Line, 1540 2nd Avenue SE, Cedar Rapids, IA 52403 – (319) 362-2174

Hillcrest Family Services, 317 7th Avenue SE #202c, Cedar Rapids, IA 52401 – (319) 362-3149

Mercy Behavioral Services/Sedlacek, 5975 Rockwell Drive NE, Cedar Rapids, IA 52402 — (319) 398-6226

Riverview Center, 118 3rd Avenue SE STE 500, Cedar Rapids, IA 52401 — (319) 540-0080

St. Luke's Chemical Dependency Unit, Kirkwood Resource Center, 810 1st Avenue NE, Cedar Rapids, IA 52402 — (319) 363-4429

Security Awareness Programs

Definitions

Awareness programs- Awareness programs are designed to bring awareness to a particular concept or situation. The purpose of awareness programs is to educate students; however, it does not implement operational measures to handle said situation or concept.

Bystander intervention- There are times where individuals will become witnesses to unsafe situations. During these situations, the individual witnessing the unsafe situation may be the best advocate in remedying the situations. This individual is a bystander and their actions represent an intervention.

Ongoing prevention and awareness campaigns- Ongoing campaigns represent a continued educational development effort. These campaigns are geared towards preventing a situation from happening or raising the awareness of said situation.

Primary prevention programs- Primary prevention programs are programs geared to preventing a certain situation from happening. The purpose of prevention programs is not only to make the participants aware of the situation but to also prescribe tips or actions that can be taken to help prevent the situation from happening.

Risk reduction- Some situations are unavoidable; however, that does not mean steps should not be taken to reduce the risk or exposure to the negative situation. Risk reduction represents the steps taken to reduce the negative effects associated with a situation.

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.

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.

Timely Warnings

The Mount Mercy Department of Public Safety, in consultation with the VP for Student Success, the Director of Human Resources, and the University President, are responsible for issuing timely warnings. Anyone with information warranting a timely warning should report the circumstances to the Department of Public Safety. 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.

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

- Invoking Mount Mercy University's text and voice mail notification system.
- 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.

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 bystander intervention, 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.

Mount Mercy University utilizes bystander intervention to educate students, faculty and staff about the concept of bystander intervention and their ability to provide positive intervention, help and hope. This programming was administered in 2020 and is a part of all Portal Classes. Objectives of this bystander training include: develop empathy for those who have experienced sexual violence; identify inappropriate sexual behavior; understand one's role as a bystander in a situation which involves (or could develop into) sexual violence; identify strategies to positively intervene before sexual violence occurs, while maintaining personal and group safety. Additionally, Mount Mercy University's bystander training includes providing participants with the name and contact information of Mount Mercy's Title IX Coordinator, information about the university's incident/concern reporting system that can be accessed and utilized by anyone on campus to report (anonymously if desired) information regarding concerning situations, and information on support services available at the university and in the community for victims of sexual assault.

Each year, every first-year student and students on scholarship for music as well as athletics are required to participate in a bystander/Title IX training to better educate our community about the process as well as engage in dialogue. All Mount Mercy employees also take part in online tutorials covering topics of workplace harassment, Title IX, and workplace violence. Mount Mercy also participates in consent week and Sexual Assault Awareness Month. Events included a neighborhood Take Back the Night, programming conducted with the assistance of our Marriage and Family Therapy counselors as well as Riverview (sexual assault advocacy not-for profit) including table presentations, as well as programming presented during meal times allowing students to review material regarding resources available to them for assistance.

The Department of Public Safety also utilizes different programming options including crime prevention brochures, fire safety programming, *Meet and Greet* with emergency responders, and offering a dating violence/stalking classroom training to increase our campus community's awareness to different crimes and situations they may face. This includes the implementation of the *Run. Hide. Fight.* programming with trainings offered to our campus members.

The Counseling Department and Dean of Student's Office also conducts trainings regarding relationship building, Title IX trainings (including on-line training through *edurisk* concerning Title IX), and providing educational posters around campus supporting this programming.

The Human Resources Department requires all employees to annually complete online training in the topics of the Campus SaVE Act and Workplace Harassment.

Title IX

Gender Based Misconduct Policy

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." Legal Citation: Title IX of the Education Amendments of 1972, and its implementing regulation at 34 C.F.R. Part 106 (Title IX)

Introduction

Members of the university community, guests and visitors have the right to be free from all forms of gender and sex-based discrimination--examples of which can include acts of sexual violence, sexual harassment, domestic violence, dating violence, and stalking. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. Mount Mercy believes in a zero-tolerance policy for gender-based misconduct and as such 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.

When an allegation of misconduct is brought to an appropriate administration's attention, and a respondent is found to have violated this policy, serious sanctions will be used to reasonably ensure that such actions are never repeated. This policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This policy is intended to define community expectations and to establish a mechanism for determining when those expectations have been violated.

Mount Mercy has developed, implemented, and disseminates a written sexual assault policy for Mount Mercy University. This policy is published in the Good Book, online, and is available for review with the VP for Student Success. This policy covers concerns of sexual misconduct including sexual abuse, sexual assault, domestic violence, dating violence, and stalking involving a student, both on and off campus. Below you will find additional information regarding this policy.

Title IX Coordinator

Each college or university receiving Federal financial assistance must designate at least one professional employee as the Title IX Coordinator to oversee compliance efforts and investigate any complaint of sex discrimination. Adoption of procedures to provide prompt and equitable resolution of complaints is a critical function of the Title IX Coordinator. The coordinator assists individuals alleging sexual harassment or discrimination in filing their grievance(s). The coordinator also works in conjunction with other college officials focusing on prevention and policy development.

At Mount Mercy University, the Title IX Coordinator is responsible for monitoring the overall implementation of Title IX for the University. Major duties include, but are not limited to:

- Training investigators, hearing boards, and appeals officers.
- Overseeing the investigation process from start to finish.
- Providing notices of charge, hearing, and outcome to complainant and respondents.
- Coordinating campus notifications.
- Ensuring preventative and protective measures are put in place pre-and post.
- Work with complainant and respondent to put in place initial remedial actions.
- Assuring compliance with the timeline.
- Record-keep all activities.

The Title IX Coordinator at Mount Mercy University

Coordinator:

Nate Klein

VP for Student Success

240N University Center

nklein@mtmercy.edu

Deputy Coordinators:

Tom Doermann

AVP for Human Resources and Operations

104D Warde

tdoermann@mtmercy.edu

Danielle Rudd

Assistant Professor of Biology

155 Basile

drudd@mtmercy.edu

This team is supplemented by a team of 9 more Mount Mercy University employees who are trained Title IX investigators, decision makers and confidential resources.

In seeking to identify and respond to instances of sexual misconduct and 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.

Overview of Policy Expectations

Physical Sexual Misconduct

The expectations of our community regarding sexual misconduct can be summarized as follows:

In order for individuals to engage in sexual activity of any type with each other, there must be clear, knowing and voluntary consent prior to and during sexual activity. Consent is sexual permission. Consent can be given by word or action, but non-verbal consent is not as clear as talking about what you want sexually and what you do not. Consent to some form of sexual activity cannot be automatically taken as consent to any other form of sexual activity. Silence--without actions demonstrating permission--cannot be assumed to show consent.

Additionally, there is a difference between seduction and coercion. Coercing someone into sexual activity violates this policy in the same way as physically forcing someone into sex. Coercion happens when someone is pressured unreasonably for sex.

Because alcohol or other drug use can place the capacity to consent in question, sober sex is less likely to raise such questions. When alcohol or other drugs are being used, a person will be considered unable to give valid consent if they cannot fully understand the details of a sexual interaction (who, what, when, where, why, or how) because they lack the capacity to reasonably understand the situation. Individuals who consent to sex must be able to understand what they are doing. Under this policy, “no” always means “no,” and “yes” may not always mean “yes.” Anything but a clear, knowing and voluntary consent to any sexual activity is equivalent to a “no.”

Sexual Violence Risk Reduction Tips

Risk reduction tips can often take a victim-blaming tone, even unintentionally. With no intention to victim-blame, and with recognition that only those who commit sexual violence are responsible for those actions, these suggestions may nevertheless help you to reduce your risk experiencing a non-consensual sexual act. Suggestions to avoid committing a non-consensual sexual act are also offered below:

- If you have limits, make them known as early as possible.
- Tell a sexual aggressor “NO” clearly and firmly.
- Try to remove yourself from the physical presence of a sexual aggressor.
- Find someone nearby and ask for help.
- Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
- Take care of your friends and ask that they take care of you. A real friend will challenge you if you are about to make a mistake. Respect them when they do.

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk for being accused of sexual misconduct:

- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
- Understand and respect personal boundaries.
- DO NOT MAKE ASSUMPTIONS about consent; about someone’s sexual availability; about whether they are attracted to you; about how far you can go or about whether they are physically and/or mentally able to consent. If there are any questions or ambiguity, then you DO NOT have consent.
- Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. They may not have figured out how far they want to go with you yet. You must respect the timeline for sexual behaviors with which they are comfortable.
- Do not take advantage of someone’s drunkenness or drugged state, even if they did it to themselves.
- Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Do not abuse that power.
- Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.
- Silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

In campus hearings, legal terms like “guilt, “innocence” and “burdens of proof” are not applicable, but the university never assumes a student is in violation of university policy. Conduct hearings are conducted to take into account the totality of all evidence available, from all relevant sources.

Mount Mercy reserves the right to take whatever measures it deems necessary in response to an allegation of sexual misconduct in order to protect students’ rights and personal safety. Such measures include, but are not limited to, modification of living arrangements, interim suspension from campus pending a hearing, and reporting the matter to the local police. Not all forms of sexual misconduct will be deemed to be equally serious offenses, and the university reserves the right to impose different sanctions, ranging from verbal warning to expulsion, depending on the severity of the offense. The university will consider the concerns and rights of both the complainant and the person accused of sexual misconduct.

Sexual Misconduct Offenses include, but are not limited to:

- 1) Sexual Harassment
- 2) Non-Consensual Sexual Contact (or attempts to commit same)
- 3) Sexual Assault
- 4) Sexual Exploitation
- 5) Sexual Intimidation

Sexual Harassment is:

- 1) Unwelcome, gender-based verbal or physical conduct that is,
- 2) Sufficiently severe, persistent or pervasive that it,
- 3) Unreasonably interferes with, denies or limits someone’s ability to participate in or benefit from the university’s educational program and/or activities, and is based on power differentials (quid pro quo), the creation of a hostile environment or retaliation.

Three types of Sexual Harassment

Hostile Environment

A hostile environment includes any situation in which there is harassing conduct that is sufficiently severe, persistent/pervasive and objectively offensive that it alters the conditions of employment or limits interferes with or denies educational benefits or opportunities from both a subjective (the alleged victim’s) and an objective (reasonable person’s) viewpoint.

The determination of whether an environment is “hostile” must be based on all of the circumstances. These circumstances could include:

- The frequency of the conduct;
- The nature and severity of the conduct;
- Whether the conduct was physically threatening;
- Whether the conduct was humiliating;
- The effect of the conduct on the alleged victim’s mental or emotional state;
- Whether the conduct was directed at more than one person;
- Whether the conduct arose in the context of other discriminatory conduct;
- Whether the conduct unreasonably interfered with the alleged victim’s educational or work performance.

Quid Pro Quo sexual harassment

Quid pro quo sexual harassment involves unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; and submission to or rejection of such conduct results in adverse educational or employment action.

Retaliatory harassment

Is any adverse employment or educational action taken against a person because of the person's participation in a complaint or investigation of discrimination or sexual misconduct.

Non-Consensual Sexual Contact

Non-Consensual Sexual Contact is:

- Any intentional sexual touching,
- However slight,
- With any object,
- By a man or a woman upon a man or a woman,
- That is without consent and/or by force

Sexual Contact includes:

Intentional contact with the breasts, buttocks, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

Sexual Assault

Sexual Assault is a form of sexual misconduct and represents a continuum of conduct from forcible intercourse to nonphysical forms of pressure that compel individuals to engage in sexual activity against their will.

Examples of sexual assault under this policy include, but are not limited to, the following behaviors when consent is not present:

- Sexual intercourse (anal, oral, or vaginal). Intercourse, however slight, meaning vaginal penetration by a penis, object, tongue, or finger; anal penetration by a penis, object, tongue, or finger; or oral copulation (mouth to genital contact or genital to mouth contact);
- Attempted sexual intercourse (anal, oral, or vaginal);
- Intentional contact with the breasts, buttocks, groin, or genitals, or touching another with any of these body parts or making another touch you or themselves with or on any of these body parts;
- Any other intentional unwanted bodily contact of a sexual nature;
- Use of coercion, manipulation, or force to make someone else engage in sexual touching, including breasts, chest, and buttocks;
- Engaging in sexual activity with a person who is incapacitated and unable to provide consent due to the influence of drugs, alcohol, or other mental or physical condition (e.g., asleep or unconscious).

Sexual Exploitation

Occurs when a student takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit or to benefit or advantage anyone other than the one being exploited, and that

behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy;
- Prostituting another student;
- Non-consensual video or audio-taping of sexual activity;
- Going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
- Engaging in voyeurism;
- Knowingly transmitting an STI or HIV to another student;
- Exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals;
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation

Sexual Intimidation

Sexual intimidation involves:

- Threatening another person that you will commit a sex act against them;
- Engaging in indecent exposure; or
- Stalking another person who reasonably perceives the stalker is pursuing a romantic and/or sexual relationship. Stalking is a course of conduct directed at a specific person that would cause a reasonable person to feel fear.

Examples of prohibited stalking can include but are not limited to:

- 1) Non-consensual repeated communication including in-person communication, telephone calls, voice messages, text messages, email messages, social networking site postings, instant messages, postings of pictures or information on web sites, written letters, gifts, ordering goods or services, or any other communications that are undesired;
- 2) Following, pursuing, waiting, or showing up uninvited at a workplace, place of residence, classroom, or other locations frequented by a recipient of unwelcome conduct;
- 3) Monitoring online activities, surveillance and other types of observation, whether by physical proximity or electronic means, attempts to gather information about the recipient of unwelcome conduct;
- 4) Vandalism, including attacks on data and equipment;
- 5) Direct physical and/or verbal threats against a recipient of unwelcome conduct or loved ones of a recipient of unwelcome conduct, including animal abuse;
- 6) Gathering of information about a recipient of unwelcome conduct from family, friends, coworkers, and/or classmates;
- 7) Manipulative and controlling behaviors such as threats to harm oneself, or threats to harm someone close to the recipient of unwelcome conduct;
- 8) Defamation or slander against the recipient of unwelcome conduct; posting false information about the recipient of unwelcome conduct; posing as the complainant in order to post to web sites, news groups, blogs, or other sites that allow public contributions; and/or encouraging others to harass the recipient of unwelcome conduct;
- 9) Posing as someone other than oneself to initiate transactions, financial credit, loans, or other contractual agreements;
- 10) Arranging to meet the recipient of unwelcome conduct under false pretenses.

*Stalking of a nonsexual nature may be prohibited under other Mount Mercy University policies. See MMU's Code of Conduct.

Applicable Definitions

Consent

Consent is affirmative, clear, knowing and voluntary. Consent is active not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity.

- Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
- Previous relationships or prior consent cannot imply consent to future sexual acts.

Force

Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent.

- Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.
 - NOTE: There is no requirement that a party resists the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not by definition forced.
- In order to give effective consent, one must be of legal age.
- Sexual activity with someone who one should know to be -- or based on the circumstances should reasonably have known to be -- mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout), constitutes a violation of this policy.
 - Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the "who, what, when, where, why or how" of their sexual interaction).
 - This policy also covers a person whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of rape drugs. Possession, use and/or distribution of any of these substances, including Rohypnol, Ketamine, GHB, Burundanga, etc. is prohibited and administering one of these drugs to another student is a violation of this policy.
- Use of alcohol or other drugs will never function as a defense for any behavior that violates this policy.
- The sexual orientation and/or gender identity of individuals engaging in sexual activity is not relevant to allegations under this policy.

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.

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, and domestic violence.

Other Misconduct Offenses when sex or gender-based

1. Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;
2. Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities, on the basis of gender;
3. Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
4. Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the university community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the Hazing Policy);
5. Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally (that is not speech or conduct otherwise protected by the 1st Amendment);
6. Violence between those in an intimate relationship to each other;

7. Stalking, defined as repetitive and/or menacing pursuit, following, harassment and/or interference with the peace and/or safety of a member of the community; or the safety of any of the immediate family of members of the community.

Retaliation

Retaliation of any kind against anyone who in good faith files a complaint of sexual misconduct or participates in the investigation process is prohibited and may be sanctioned. 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.

False Reports

Any individual making deceitful allegations of sexual harassment will be subject to appropriate sanctions.

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 VP for Student Success & Assistant Director(s) 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.

Sexual Harassment 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 ensure that all complaints of sexual harassment are addressed and resolved in a fair and equitable manner.

- 1) 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.
- 2) 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 timelines, 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.

- 3) 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.
- 4) 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.
- 5) 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 Formal Procedure

The complainant must advise the EOO or Title IX Coordinator in writing within fifteen (15) calendar days of the initial meeting whether the 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.

Informal Procedure

- 1) 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.
- 2) 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, and 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.
- 3) 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.
- 4) 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.

- 5) 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.
- 6) 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.
- 7) 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.
- 8) The informal procedure will not be used to resolve complaints of sexual abuse or misconduct.

Formal Procedure

If a complaint is not resolved informally or if the complainant chooses to initiate the formal process:

- 1) 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.
- 2) 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.
- 3) 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.
- 4) 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.
- 5) 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.
- 6) 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.
- 7) 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.
- 8) 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.
- 9) 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 Vice President for Student Success and an Assistant Director of Residence Life will appoint a student representative to sit as an ex-officio member of the hearing panel).

- 10) 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.
- 11) Legal representation is allowed at the fact-finding hearing, but counsel's presence is limited to observation and advising the party.

Student Sanction Statement

- Any student found responsible for violating the policy on non-consensual or forced sexual contact (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 non-consensual or forced sexual intercourse will likely face a recommended sanction of suspension or expulsion. *
- Any student found responsible for violating the policy on sexual exploitation or sexual harassment 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. *

*The conduct body reserves the right to broaden or lessen any range of recommended sanctions in the case of serious mitigating circumstances or egregiously offensive behavior. Neither the initial hearing officer nor any appeals body or officer will deviate from the range of recommended sanctions unless compelling justification exists to do so.

Appeals

Process Guidelines

Sanctions imposed during the conduct process post-investigation can be appealed by any party according to the grounds below. Post-hearing, any party may appeal the findings and/or sanctions only under the grounds described below:

- All sanctions imposed by the original hearing body will be in effect during the appeal. A request may be made to the University President for special consideration in exigent circumstances, but the presumptive stance of the institution is that the sanctions will stand. Graduation, study abroad, internships/externships, etc. in and of themselves constitute exigent circumstances, and students may not be able to participate in those activities during their appeal. In cases where the appeal results in reinstatement to the institution or of privileges, all reasonable attempts will be made to restore the student to their prior status, recognizing that some opportunities lost may be irretrievable in the short term.
- The decision of the original hearing body may be appealed by petitioning the University President. Accused students or complainants must petition within three (3) business days of receiving the written decision for a review of the decision or the sanctions imposed. Any party who files an appeal must do so in writing to the VP for Student Success. The VP for Student Services will share the appeal with the other party (e.g., if the accused student appeals, the

appeal is shared with the complainant whom may also wish to file a response), and then the VP for Student Services will draft a response memorandum (also shared with all parties). All appeals and responses are then forwarded to the appeals officer/committee for initial review to determine if the appeal meets the limited grounds and is timely. The original finding and sanction will stand if the appeal is not timely or substantively eligible, and the decision is final. If the appeal has standing, the documentation is forwarded for consideration. The party requesting appeal must show error as the original finding and sanction are presumed to have been decided reasonably and appropriately. The ONLY grounds for appeal are as follows:

- A procedural [or substantive error] occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.);
 - To consider new evidence unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included;
 - The sanctions imposed are substantially disproportionate to the severity of the violation.
- If the appeals officer or committee determines that new evidence should be considered, it will return the complaint to the original hearing body to reconsider in light of the new evidence only. The reconsideration of the hearing body is not appealable.
 - If the appeals officer or committee determines that a material procedural error occurred, it may return the complaint to the original hearing body with instructions to reconvene to cure the error. In rare cases, where the procedural [or substantive] error cannot be cured by the original hearing officers (as in cases of bias), the appeals officers or committee may order a new hearing on the complaint with a new body of hearing officers. The results of a reconvened hearing cannot be appealed. The results of a new hearing can be appealed once on the four applicable grounds for appeals.
 - If the appeals officer or committee determines that the sanctions imposed are disproportionate to the severity of the violation, the appeals officer or committee will return the complaint to the student conduct office, which may then increase, decrease or otherwise modify the sanctions. This decision is final.

The procedures governing the hearing of appeals include the following:

- All parties should be timely informed of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision;
- Every opportunity to return the appeal to the original hearing body for reconsideration (remand) should be pursued;
- Appeals are not intended to be full re-hearings of the complaint (de novo). In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal;
- This is not an opportunity for appeals officers to substitute their judgment for that of the original hearing body merely because they disagree with its finding and/or sanctions. Appeals decisions are to be deferential to the original hearing body, making changes to the finding only where there is clear error and to the sanction only if there is a compelling justification to do so;
- Sanctions imposed are implemented immediately unless the Director of Student Conduct stays their implementation in extraordinary circumstances, pending the outcome of the appeal;

- The appeals committee or officer will render a written decision on the appeal to all parties within seven (7) business days* from hearing of the appeal. The committee's decision to deny appeal requests is final.

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. 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:

Dating Violence

Violence committed by a person,

- 1) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- 2) Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - a) The length of the relationship.
 - b) The type of relationship
 - c) The frequency of interaction between the persons involved in the relationship

Stalking

Stalking is conduct directed at a specific person that would cause a reasonable person to feel fear and that significantly disrupts the person's work, educational performance, on-campus living, or participation in a university activity on or off campus.

A pattern of conduct perceived as threatening or harassing may violate university policy under a reasonable-person standard even if the person who commits the conduct did not intend to make the party feel threatened or harassed. A behavior pattern that the target of the conduct finds distressful may be considered a violation even if the target did not specifically direct the person who commits the conduct to refrain from contacting him or her.

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 cohabiting with or has cohabited 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.

Resources

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.

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.

Victims' 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 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.

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.

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 three (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.

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 VP for Student Success and Assistant Director of Residence Life as explained below.

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

Reporting

Mount Mercy expects students, faculty, and staff to report allegations incidents of sexual misconduct. These may be reported either by the complainant, or by another person with the approval of the complainant whom 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.

Confidentiality, Privacy and Reporting Policy

Institutions must clearly articulate who are considered “responsible employees” under Title IX for purposes of initiating notice and/or investigation, and those who have more discretion on how they act in response to notice of gender-based discrimination. Different people on campus have different reporting responsibilities and different abilities to maintain confidentiality, depending on their roles at the university and upon university policy.

When consulting campus resources, all parties should be aware of confidentiality, privacy and mandatory reporting, in order to make informed choices. On campus, some resources can offer you confidentiality, sharing options and advice without any obligation to tell anyone unless you want them to. Other resources are expressly there for you to report crimes and policy violations and they will take action when you report your victimization to them. Most resources on campus fall in the middle of these two extremes. Neither the university nor the law requires them to divulge private information that is shared with them except in certain circumstances, some of which are described below. A victim may seek assistance from these university officials without starting a formal process that is beyond the victim’s control or violates her/his privacy.

To report confidentially

If one desires that details of the incident be kept confidential they should speak with on-campus mental health counselors, campus health service providers or off-campus rape crisis resources who can maintain confidentiality. Campus counselors are available to help you free of charge and can be seen on an emergency basis. In addition, one may speak on and off-campus with members of the clergy and chaplains who will also keep reports made to them confidential.

Reporting to those who can maintain the privacy you want to share

You can seek advice from certain resources who are not required to tell anyone else your private, personally identifiable information unless there is cause for fear for your safety, or the safety of others. These are individuals who the university has not specifically designated as “responsible employees” for purposes of putting the institution on notice and for whom mandatory reporting is required other than in the stated limited circumstances. These resources include those without supervisory responsibility or remedial authority to address sexual misconduct, such as RAs, faculty members, advisors to student organizations, career services staff, admissions officers, student activities personnel, and many others. If you are unsure of someone’s duties and ability to maintain your privacy, ask them before you talk to them. They will be able to tell you, and help you make decisions about who can help you best.

Some of these resources such as RAs, are required to share incident reports with their supervisors, but they will not share any personally identifiable information about your report to other people unless you give permission, except in the rare event that the incident reveals a need to protect you or other members of the community. If your personally identifiable information is shared, it will only be shared as necessary with as few people as possible, and all efforts will be made to protect your privacy.

Non-confidential reporting options

You are encouraged to speak to officials of the institution to make formal reports of incidents (deans, vice presidents, or other administrators with supervisory responsibilities, campus security, and human resources). The university considers these people to be “responsible employees.” Notice to them is official notice to the institution. You have the right and can expect to have incidents of sexual misconduct to be taken seriously by the institution when formally reported, and to have those incidents investigated and properly resolved through administrative procedures. Formal reporting means that only people who need to know will be told and information will be shared only as necessary with investigators, witnesses, and the accused individual.

Federal Statistical Reporting Obligations

Certain campus officials have a duty to report sexual assault, domestic violence, dating violence and stalking for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept confidential, but statistical information must be passed along to campus law enforcement regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given) for publication in the annual Campus Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime to ensure greater community safety. Mandated federal reporters include: student/conduct affairs, campus law enforcement, local police, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations and any other official with significant responsibility for student and campus activities. The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the victim and may be done anonymously.

Federal Timely Warning Reporting Obligations

Victims of sexual misconduct should also be aware that university administrators must issue immediate timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community. The university will make every effort to ensure that a victim’s name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger. The reporters for timely warning purposes are exactly the same as detailed at the end of the above paragraph.

Questions and Answers

Listed below are some of the most commonly asked questions regarding the university’s sexual misconduct policy and procedures:

- *Does information about a complaint remain private?*

The privacy of all parties to a complaint of sexual misconduct must be respected, except insofar as it interferes with the university’s obligation to fully investigate allegations of sexual misconduct. Where privacy is not strictly kept, it will still be tightly controlled on a need-to-know basis. Dissemination of information and/or written materials to persons not involved in the complaint procedure is not permitted. Violations of the privacy of the complainant or the accused individual may lead to conduct action by the university.

In all complaints of sexual misconduct, all parties will be informed of the outcome. In some instances, the administration also may choose to make a brief public announcement of the nature of the violation and the action taken without using the name or identifiable information of the alleged victim. Certain university administrators are informed of the outcome within the bounds of student privacy (e.g., the President of the university, VP for Student Success, Director

of Security). If there is a report of an act of alleged sexual misconduct to a conduct officer of the university and there is evidence that a felony has occurred, local police will be notified. This does not mean charges will be automatically filed or that a victim must speak with the police, but the institution is legally required to notify law enforcement authorities. The institution also must statistically report the occurrence on campus of major violent crimes, including certain sex offenses, in an annual report of campus crime statistics. This statistical report does not include personally identifiable information.

- *Will my parents be told?*
No, not unless you tell them. Whether you are the complainant or the accused individual, the University's primary relationship is to the student and not to the parent. However, in the event of major medical, disciplinary, or academic jeopardy, students are strongly encouraged to inform their parents. University officials will directly inform parents when requested to do so by a student, in a life-threatening situation, [or if an accused individual has signed the permission form at registration which allows such communication].
- *Will the accused individual know my identity?*
Yes, if you file a formal complaint. Sexual misconduct is a serious offense and the accused individual has the right to know the identity of the complainant/alleged victim. If there is a hearing, the university does provide options for questioning without confrontation, including closed-circuit testimony, Skype, using a room divider or using separate hearing rooms.
- *Do I have to name the perpetrator?*
Yes, if you want formal disciplinary action to be taken against the alleged perpetrator. No, if you choose to respond informally and do not file a formal complaint (but you should consult the complete confidentiality policy above to better understand the university's legal obligations depending on what information you share with different university officials). Victims should be aware that not identifying the perpetrator may limit the institution's ability to respond comprehensively.
- *What to do if I am accused of sexual misconduct?*
DO NOT contact the alleged victim. You may immediately want to contact someone who can act as your advisor; anyone may serve as your advisor. You may also contact the Student Conduct Office, which can explain the university's procedures for addressing sexual misconduct complaints. You may also want to talk to a confidential counselor at the counseling center or seek other community assistance. See below regarding legal representation.
- *Will I (as a victim) have to pay for counseling/or medical care?*
Not typically, if the institution provides these services already, which Mount Mercy provides. If a victim is accessing community and non-institutional services, payment for these will be subject to state/local laws, insurance requirements, etc.
- *What about legal advice?*
Victims of criminal sexual assault need not retain a private attorney to pursue prosecution because representation will be handled by the District Attorney's [Prosecutor's] office. You may want to retain an attorney if you are the accused individual or are considering filing a civil action. The accused individual may retain counsel at their own expense if they determine that they need legal advice about criminal prosecution and/or the campus conduct proceeding. Both the accused and the victim may also use an attorney as their advisor during the campus' grievance processes.
- *What about changing residence hall rooms?*
If you want to move, you may request a room change. Room changes under these circumstances are considered emergencies. It is typically institutional policy that in emergency

room changes, the student is moved to the first available suitable room. If you want the accused individual to move, and believe that you have been the victim of sexual misconduct, you must be willing to pursue a formal or informal university complaint. No contact orders can be imposed and room changes for the accused individual can usually be arranged quickly. Other accommodations available to you might include:

- 1) Assistance from university support staff in completing the relocation;
- 2) Arranging to dissolve a housing contract and pro-rating a refund;
- 3) Assistance with or rescheduling an academic assignment (paper, exams, etc.);
- 4) Taking an incomplete in a class;
- 5) Assistance with transferring class sections;
- 6) Temporary withdrawal;
- 7) Assistance with alternative course completion options;
- 8) Other accommodations for safety as necessary.

- *What should I do about preserving evidence of a sexual assault?*

Police are in the best position to secure evidence of a crime. Physical evidence of a criminal sexual assault must be collected from the alleged victim's person within 120 hours, though evidence can often be obtained from towels, sheets, clothes, etc. for much longer periods of time. If you believe you have been a victim of a criminal sexual assault, you should go to the hospital emergency room, before washing yourself or your clothing. The sexual assault nurse examiner (a specially trained nurse) at the hospital is usually on call 24 hours a day, 7 days a week (call the Emergency Room if you first want to speak to the nurse; ER will refer you). A victim advocate from the institution can also accompany you to the hospital and law enforcement or security can provide transportation. If a victim goes to the hospital, local police will be called, but he or she is not obligated to talk to the police or to pursue prosecution. Having the evidence collected in this manner will help to keep all options available to a victim, but will not obligate him or her to any course of action. Collecting evidence can assist the authorities in pursuing criminal charges should the victim decide later to exercise it. For the Victim: the hospital staff will collect evidence, check for injuries, address pregnancy concerns and address the possibility of exposure to sexually transmitted infections. If you have changed clothing since the assault, bring the clothing you had on at the time of the assault with you to the hospital in a clean, sanitary container such as a clean paper grocery bag or wrapped in a clean sheet (plastic containers do not breathe, and may render evidence useless). If you have not changed clothes, bring a change of clothes with you to the hospital if possible, as they will likely keep the clothes you are wearing as evidence. You can take a support person with you to the hospital and they can accompany you through the exam if you want. Do not disturb the crime scene—leave all sheets, towels, etc. that may bear evidence for the police to collect.

- *Will a victim be sanctioned when reporting a sexual misconduct policy violation if he/she has illegally used drugs or alcohol?*

No. The severity of the infraction will determine the nature of the university's response, but whenever possible the university will respond educationally rather than punitively to the illegal use of drugs and/or alcohol. The seriousness of sexual misconduct is a major concern and the university does not want any of the circumstances (e.g., drug or alcohol use) to inhibit the reporting of sexual misconduct.

- *Will the use of drugs or alcohol affect the outcome of a sexual misconduct conduct complaint?*

The use of alcohol and/or drugs by either party will not diminish the accused individual's responsibility. On the other hand, alcohol and/or drug use is likely to affect the complainant's memory and, therefore, may affect the outcome of the complaint. A person bringing a complaint of sexual misconduct must either remember the alleged incident or have sufficient

circumstantial evidence, physical evidence and/or witnesses to prove his/her complaint. If the complainant does not remember the circumstances of the alleged incident, it may not be possible to impose sanctions on the accused without further corroborating information. Use of alcohol and/or other drugs will never excuse a violation by an accused individual.

- *Will either party's prior use of drugs and/or alcohol be a factor when reporting sexual misconduct?*

Not unless there is a compelling reason to believe that prior use or abuse is relevant to the present complaint.

- *What should I do if I am uncertain about what happened?*

If you believe that you have experienced sexual misconduct, but are unsure of whether it was a violation of the institution's sexual misconduct policy, you should contact the institution's student conduct office or victim advocate's office. The institution provides non-legal advisors who can help you to define and clarify the event(s) and advise you of your options.

2020 Crime Statistics

At the listed statistics were collected utilizing data from the Department of Public Safety, Residence Life, VP for Student Success, and local law enforcement. The Annual Security Report requires institutions to collect data on "reported" crimes in accordance to the rules outlined in the Jeanne Clery Act. There is a provision that allows Mount Mercy University to withhold certain incidents from the Clery Report, which includes incidents that have been reported but later deemed by law enforcement to be unfounded. In order to continue to report crime statistics in good faith, Mount Mercy University will seek data from law enforcement reference the reported Clery Act crimes that were later deemed to be unfounded. This data will be displayed in the Annual Security Report under "unfounded" reported crimes. If able, the university will also report this under the caveat section of the effected data set.

Criminal Offenses- On Campus

	2018	2019	2020
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Sex offenses- Forcible			
Rape	2	2	1
Fondling	0	0	0
Sex Offenses- Non-Forcible			
Incest	0	0	0
Statutory rape	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	1	0
Motor vehicle theft	0	0	0
Arson	0	0	0

Criminal Offenses – On Campus Student Housing Facilities

These are the offenses that were reported “on-campus” and occurred in student housing.

	2018	2019	2020
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Sex offenses- Forcible			
Rape	2	2	1
Fondling	0	0	0
Sex Offenses- Non-Forcible			
Incest	0	0	0
Statutory rape	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	0	0
Arson	0	0	0

Criminal Offenses- Non campus

	2018	2019	2020
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Sex offenses- Forcible			
Rape	0	0	0
Fondling	0	0	0
Sex Offenses- Non-Forcible			
Incest	0	0	0
Statutory rape	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	0	0
Arson	0	0	0

Criminal Offenses – Public Property

	2018	2019	2020
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Sex offenses- Forcible			
Rape	0	0	0
Fondling	0	0	0
Sex Offenses- Non-Forcible			
Incest	0	0	0
Statutory rape	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	0	0
Arson	0	0	0

Criminal Offenses – Reported by Local Police

	2018	2019	2020
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Sex offenses- Forcible			
Rape	0	0	0
Fondling	0	1	0
Sex Offenses- Non-Forcible			
Incest	0	0	0
Statutory rape	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	0	0
Arson	0	0	0

Occurrences of Hate Crimes – Bias

	2018	2019	2020
Gender	0	0	0
Sexual Orientation-Intimidation	0	0	0

Occurrences of Hate Crimes – Bias on Campus

	2018	2019	2020
Gender	0	0	0
Sexual Orientation-Intimidation	0	0	0

Occurrences of Hate Crimes – Bias On-Campus Student Housing

	2018	2019	2020
Gender	0	0	0
Sexual Orientation- Intimidation	0	0	0

Occurrences of Hate Crime – Bias on Public Property or Non-Campus

	2018	2019	2020
Gender	0	0	0
Sexual Orientation- Intimidation	0	0	0

VAWA Offenses – On Campus

	2018	2019	2020
Domestic violence	1	0	0
Dating violence	0	0	0
Stalking	0	0	0

VAWA Offenses – On-Campus Student Housing

	2018	2019	2020
Domestic violence	1	0	0
Dating violence	0	0	0
Stalking	0	0	0

VAWA Offenses – Non-campus

	2018	2019	2020
Domestic violence	0	0	0
Dating violence	0	0	0
Stalking	0	0	0

VAWA Offenses – Public Property

	2018	2019	2020
Domestic violence	0	0	0
Dating violence	0	0	0
Stalking	0	0	0

VAWA Offenses – Reported by Local Police

	2018	2019	2020
Domestic violence	0	0	0
Dating violence	0	0	0
Stalking	0	0	0

Arrests- On Campus

	2018	2019	2020
Weapons: Carrying, possessing, etc.	0	0	0
Drug abuse violations	0	0	0
Liquor law violations	0	0	0

Arrests- On-campus Student Housing Facilities

	2018	2019	2020
Weapons: Carrying, possessing, etc.	0	0	0
Drug abuse violations	0	0	0
Liquor law violations	0	0	0

Arrests - Non-campus

	2018	2019	2020
Weapons: Carrying, possessing, etc.	0	0	0
Drug abuse violations	0	0	0
Liquor law violations	0	0	0

Arrests - Public Property

	2018	2019	2020
Weapons: Carrying, possessing, etc.	0	0	0
Drug abuse violations	0	0	1
Liquor law violations	0	0	0

Arrests - Reported by Local Police

	2018	2019	2020
Weapons: Carrying, possessing, etc.	0	0	0
Drug abuse violations	0	0	1
Liquor law violations	0	0	0

Disciplinary Actions - On Campus

	2018	2019	2020
Weapons: Carrying, possessing, etc.	0	0	0
Drug abuse violations	9	12	9
Liquor law violations	48	63	34

Disciplinary Actions - On-campus Student Housing Facilities

	2018	2019	2020
Weapons: Carrying, possessing, etc.	0	0	0
Drug abuse violations	8	12	9
Liquor law violations	46	62	34

Disciplinary Actions – Non-campus

	2018	2019	2020
Weapons: Carrying, possessing, etc.	0	0	0
Drug abuse violations	0	0	0
Liquor law violations	0	0	0

Disciplinary Actions – Public Property

	2018	2019	2020
Weapons: Carrying, possessing, etc.	0	0	0
Drug abuse violations	0	0	0
Liquor law violations	3	0	0

Disciplinary Actions – Reported by Local Police

	2018	2019	2020
Weapons: Carrying, possessing, etc.	0	0	0
Drug abuse violations	0	0	0
Liquor law violations	0	0	0

Unfounded Crimes

This reflects crimes that were originally reported in past Clery Reports; however, have now been deemed “unfounded” by law enforcement.

	2018	2019	2020
Unfounded Crimes	0	0	0