

Policies

Alcohol & Substance Abuse: Risks & Regulations

According to the Iowa Code, persons who are 21 years of age may use and possess alcohol, but may not give alcoholic beverages or resell them to persons who are under age (21). Underage students at Mount Mercy University who possess or use alcohol are subject to disciplinary action by the University. Underage possession and use may result in civil or criminal penalties.

The University may report violations of these regulations to civil authorities. Parents or legal guardians may be notified concerning violations of underage possession, use, or provision to others of alcohol or any illegal substances, as provided for under the Campus Disclosure Act of 1998.

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

1. Students who are not of legal age are not allowed to consume or possess alcohol.
2. Alcohol may not be consumed or possessed in Regina or McAuley Halls regardless of age.
3. The consumption or possession of alcoholic beverages is prohibited in all public areas. This includes hallways, public lounges or patios, recreational areas, campus grounds, and parking lots.
4. Kegs, including party balls or other containers of alcohol larger than 1 quart, are not permitted by the University.
5. If policies regarding the consumption or possession of alcohol are violated, unopened containers of alcohol will be confiscated. Under no circumstances will confiscated alcohol be returned to persons not of legal age.
6. In the Andreas House suites and Lower Campus Apartments the following policies apply:
 - a. To prevent large group drinking, there may be no more than ten (10) of-age people in an Andreas House suite and no more than nine (9) of-age people in a Lower Campus apartment while alcohol is being consumed.
 - b. Students who are of legal age may possess/consume alcohol as follows (as long as no other policies are being broken):
 - i. 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.
 - ii. 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.
 - iii. Guests who are of legal drinking age may be present as long as the number of individuals allowed in the suite or apartment is not exceeded (see paragraph 6a above).
 - c. At Andreas or Lower campus, alcohol may NOT be consumed or possessed under the following circumstances:
 - . No underage guests are allowed in the suite or apartment when alcohol is present.

- i. 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).
- ii. If only one individual in the roommate pair is of legal drinking age, no alcohol may be consumed, possessed or stored in the bedroom.
- iii. Suite/apartment-mates not of legal drinking age may not enter the bedroom where alcohol is being consumed.
- iv. No open alcohol containers are permitted outside resident building (patios, entry ways, campus grounds, or parking lots). Open containers include cans, bottles, cups, glasses, squeeze bottles, or other containers on which the original seal has been broken.

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

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

- Alcohol can only be sold and served in a private room or designated area separate from the primary party, dance, or event. Those under the age of 21 are not permitted to enter this area.
- Alcohol may not be brought out of the designated alcohol sales/consumption area. The following rules must be observed:
 - No University money may be used to purchase alcohol.
 - No club, student, or employee of the University may receive any portion of the money made from the sale of alcohol at the event.
 - Alcohol may not be provided or distributed by student organizations or members of student organizations.
 - Nonalcoholic beverages must be available.
 - Alcohol may not be carried into the facility; nor may students come and go from the party frequently.
 - Only single servings may be purchased; no pitchers are permitted.
 - Students may not purchase more than one alcoholic beverage at a time.
 - No University employee or student may certify age; only licensed agent may authorize age appropriate sale or provision. Club officers and advisors are responsible for these stipulations related to the use of alcohol

Legal Sanctions

Under state law, the legal age for possession or drinking of alcohol is 21. State law prohibits public intoxication; driving a motor vehicle with an unsealed receptacle containing an alcoholic beverage in the vehicle; giving or selling an alcoholic beverage to anyone intoxicated; and possession of an alcoholic beverage under legal age.

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

Health Risks

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

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

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

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

Alcohol and Other Drug Education Services

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

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

Counseling Services Ext. 1257

Residence Life Ext. 6469

Health Services Ext. 1283

Wellness Programs Ext. 1296

Public Safety Ext. 1234

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

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

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

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

Foundation 2 Crisis Line – 362-2174

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

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

St. Luke's Chemical Dependency Unit, Kirkwood Resource Center

1030 Fifth Avenue SE, Lower Level – 363-4429

Geographical & Statistical Reporting

Mount Mercy reports statistics from all campus property. Additionally, in compliance with the Clery Act, Mount Mercy University is including reports for all non-campus building and properties which includes venues in which the University sports teams practice or utilize for home games, to include:

- Xavier High School, 6300 42nd St. NE, Cedar Rapids, IA
- Jones Park, Wilson Avenue and Fruitland Blvd SW, Cedar Rapids, IA
- Lower Kingston, 950 Rockford Rd SW, Cedar Rapids, IA
- Kennedy High School, 4545 Wenig Rd NE, Cedar Rapids, IA
- Cedar Rapids Ice Arena, 1100 Rockford Road SW, Cedar Rapids, IA
- Hunters Ridge Golf Course, 2901 Hunters Ridge Rd, Marion, IA
- Marion High School, 675 S. 15th St, Marion, IA

Daily Crime Log

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

Crime Statistics

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

Missing Student Policy

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

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

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

If the individual is located, campus officials will:

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

Security Awareness Policy

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.

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

Procedure

When a determination has been made that a timely warning should be issued, the Department of Public Safety will inform the campus community by taking one or more appropriate steps to ensure timely notification:

- Invoking Mount Mercy University's text and voicemail notification system.
- Issuing a campus-wide communication notification of the timely notice.
- Distributing warning fliers around the campus. Including but not limited to all Residence Halls and the Lundy Commons student center.
- Posting the warning on the Public Safety website.

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

Educational Programs

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

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

Security Awareness Policy

Sex Offender Registry

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

Additionally, in that Mount Mercy campus property lies in legal proximity to elementary and

middle schools and under provisions of Iowa Code 692A.3A, Mount Mercy will not offer housing nor permit occupancy to those listed on the Iowa Sex Offender Registry.

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

Terms

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

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

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

State of Iowa Statute

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

- *Mentally incapacitated* means that a person is temporarily incapable of apprising or controlling the person's own conduct due to the influence of a narcotic, anesthetic, or intoxicating substance.
- *Physically helpless* means that a person is unable to communicate unwillingness to act because the person is unconscious, asleep, or is otherwise physically or mentally limited.
- *Physically incapacitated* means that a person has a bodily impairment or handicap that substantially limits the person's ability to resist or flee.

The State of Iowa and Mount Mercy University use the following sexual abuse definition. Sexual abuse is considered a felony as defined in Section 709 of the Iowa State Code. Sexual assault is considered first-degree sexual abuse under Iowa law. Sexual assault is defined as forced penetration of the vagina, anus or mouth with a finger, penis or any other object.

Although the term "rape" is used in this policy and in other educational material, the Iowa legal system uses the umbrella term of sexual abuse and sexual assault, and not the specific term "rape," when cases are taken to court. Sexual assaults occur on a broad continuum and include—criminal behaviors endangering another/other persons. They range from verbal assaults to rape. Mount Mercy University

takes a very strong stance against acts of violence by a member of our community. Students found responsible of sexual assault can expect strong disciplinary actions by the University. Any community member with knowledge of any incidents of sexual assault should report them to the Department of Public Safety and Cedar Rapids Police Department.

Sex Under the Influence

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

Support

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

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

Sexual Harassment

A person with a complaint may contact any trusted person (e.g. one of the deans, the counselor, residence life, and an academic advisor). This person will then assist the complainant in contacting the Equal Opportunity Officer (EOO). The EOO will maintain a record of and investigate any reported additional incidents. Campus Safety Mount Mercy expects students, faculty, and staff to report allegations to the Cedar Rapids Police Department for any investigation and possible charges.

Mount Mercy safety assistants will respond to an emergency, but safety assistants are not law enforcement officers. University Disciplinary Proceedings The complainant may file an internal complaint against the accused using the formal process provided for sexual harassment complaints. Either party may have an advocate at any meetings or hearings related to this matter. This process may be used whether a criminal charge is filed or not and also may be used if the alleged assailant is found not guilty in a criminal court.

The University reserves the right to bring a complaint against a student for sexual misconduct if the student is deemed a threat to the University community. If the incident has been reported to the police and the alleged assailant has been charged with the crime, the individual may be suspended indefinitely pending review of the circumstances by the University. The assailant may be expelled, suspended for a specific period, or barred from attending, determined by the appropriate vice president.

In a situation where sexual abuse has occurred, the University will make every effort to change a complainant's academic employment and/or living situations, if requested and reasonably available. It is Mount Mercy University procedure that: a)The accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding; and b) Both the accuser and the

accused must be informed of the outcome of any institutional disciplinary proceeding brought alleging a sex offense.

Retaliation

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