

Mount Mercy University

Education, Rights, Options, and Resources for Victims of Sexual Assault, Intimate Partner Violence, and Stalking.

If you are, or think you have been, the victim of sexual assault, intimate partner violence or stalking you are not alone. Mount Mercy University cares about you, your safety and your well-being. We want you to be informed and understand your rights and options if you have any questions about the material in this brochure, please contact the Mount Mercy University Title IX Coordinator, Malinda Jensen at mjensen@mtmercy.edu or 319-363-1323 x1630.

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 assault, 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.

RIGHTS OF COMPLAINANT AND ACCUSED DURING MMU'S INVESTIGATION OF A SEXUAL ASSAULT, INTIMATE PARTNER VIOLENCE, OR STALKING CASE, WHERE THE ACCUSED IS A MEMBER OF THE MOUNT MERCY COMMUNITY

BOTH COMPLAINANT AND ACCUSED HAVE THE RIGHT TO:

- a prompt, fair and impartial investigation and resolution.
- participate in the investigation/proceedings.
- have the investigation/proceedings handled by officials who receive pertinent annual training.
- one advisor of your choice during the investigation/proceedings; your advisor may accompany you to formal interviews and adjudicatory proceedings, but may not interrupt or participate in the proceedings.
- present relevant evidence/witnesses as part of the investigation/proceeding.
- review evidence used to make a determination.
- be informed of possible university sanctions that may be imposed following the investigation/proceeding.
- receive a simultaneous notice of the determination/result.
- appeal the determination in accordance with applicable procedures.

LEGAL DEFINITIONS:

Sexual Misconduct

1. **Sexual Harassment**
Sexual harassment is unwelcome, gender-based verbal or physical conduct that is sufficiently severe, persistent or pervasive that unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the university's educational program and/or activities. In some instances it is based on power differentials (quid pro quo), creates a hostile environment, or retaliation.
2. **Non-Consensual Sexual Contact (or attempts to commit same)**
Intentional contact with the breasts, buttock, 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.
3. **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. This includes sodomy, rape, and sexual assault with an object.
4. **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.
5. **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.
6. **Relationship/Domestic Violence**
Dating Violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - * The length of the relationship.
 - * The type of relationship
 - * The frequency of interaction between persons involved
Domestic Violence is violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

PRESERVATION OF EVIDENCE

In the immediate aftermath of a sexual assault, the most important thing for you to do is to get to a safe place. Whether it be in your home, with a friend or a family member, your immediate safety is what matters most. We urge you to seek medical attention as soon as it is safe to do so, including a specialized medical examination to collect important evidence that may help confirm the identity of your attacker.

In addition, to preserve important DNA evidence after a sexual assault, you should make every effort to NOT:

- **Bathe or shower**
- **Use the restroom**
- **Change clothes**
- **Comb hair**
- **Clean up the crime scene**
- **Or move anything your attacker may have touched**

Even if you have not yet decided whether to report the crime, receiving a specialized medical exam soon after your attack and preserving important evidence will improve the chances that the police can access and evaluate the stored evidence in the future. For more detailed information on this important topic, go here: <https://rainn.org/>

ORDERS OF PROTECTION & RESTRAINING ORDERS

Mount Mercy University will endeavor to enforce any orders of protection or restraining orders that you obtain from the courts. Although not required, it is extremely helpful if you provide the university with a photo of, and other identifying information about, the accused. You should provide the Court Order – and other information about the accused – to the Deputy Title IX Coordinator (for students/associates, as appropriate) or to the Department of Public Safety.

INTERIM MEASURES AND ASSISTANCE

Upon receiving a report of sexual assault, intimate partner violence, or stalking, the Title IX Coordinator and Deputy Title IX Coordinators are empowered to take immediate steps they deem necessary to maintain order and protect both parties and the Mount Mercy community. For example, in appropriate cases the University may

- order the parties to avoid contact with each other;
- suspend one or more individuals, pending a more thorough investigation;
- modify student living arrangements if alternatives are reasonably available; or
- modify parties' class or on-campus employment schedules if alternatives are reasonably available.

PREVENTING VIOLENCE

TAKING ACTION TO STOP VIOLENCE

Everyone can play an active role in stopping domestic violence and sexual assault before it occurs by becoming an engaged bystander and helping to establish an environment where healthy and positive relationships are based on respect, safety, and equality.

Moreover, taking steps to stop harassment or violence can make a significant difference in someone's life and send a powerful message to the Mount Mercy University community as a whole about which social norms are acceptable and which are unacceptable.

WHAT DOES AN ENGAGED BYSTANDER LOOK LIKE?

An engaged bystander is someone who intervenes when they see or hear behaviors that promote, condone or encourage domestic or sexual violence.

Intervening does NOT mean putting yourself in danger or increasing the risk to others. Safety is key in deciding when and how to respond to any type of violence.

Intervening *can* mean disrupting the social norms that perpetuate domestic & sexual violence in our culture such as:

- glorifying abusive power over other men or women
- objectifying women or men
- demeaning men or women
- tolerating violence and aggression
- promoting gender dominance
- sexually abusive or physically violent hazing
- blaming victims for what happened to them

By disrupting or challenging these norms, you are acting as an engaged bystander and helping create a safer environment for everyone.

If you see or hear something that does not feel right, speak up. If you do not feel safe, call the police or go to the authorities.

Above all, trust your gut. A gut feeling can be your best guide if a situation just doesn't seem right.

IF YOU SEE, HEAR, OR SUSPECT THAT SOMEONE IS IN IMMEDIATE DANGER CALL 911.

Excerpted and adapted from: <http://nomore.org/take-action/preventviolence/>

CONFIDENTIALITY & PRIVACY

If you wish to speak to someone confidentially on campus, you are encouraged to speak to one of the counselors (if you are a student) or to the EAP (if you are faculty or staff). **Counselors and members of clergy are the only Mount Mercy University associates who are not legally required to inform the Title IX Coordinators about these serious matters.** Mount Mercy University has a duty to investigate allegations of sexual assault, intimate partner violence, or stalking when the accused person is a member of the university community.

If you share information with any faculty or staff member, they will be required to disclose that information to the appropriate Deputy Title IX Coordinator. That information will be used to offer you resources and assistance and may be used as part of an official investigation by the university. You may be contacted by an investigator to discuss your experience, as the university works to redress the matter and prevent such incidents in the future.

You may request anonymity or request that the university not investigate your experience. The Title IX Coordinator may not be able to honor this request, however, if doing so is likely to put other members of the University community at risk. The Title IX Coordinator will discuss this situation with you. In any event, you can be assured that any investigation will be discreet and only disclosed on a “need to know” basis.

The University is required by law to provide statistical data to the federal government and the Mount Mercy University community in an annual Campus Crime Report. You will not be identified in the Report.

National 24-Hour Hotlines

National Sexual Assault Hotline: 800-656-HOPE

National Domestic Violence Hotline: 800-799-7233

To locate additional information and resources in your area visit: <https://www.notalone.gov/resources/>

Nationwide Listing of Police Contact Information

A nationwide listing of police departments and sheriff’s offices by state can be located at: <http://www.policelocator.com/>

NON-CONFIDENTIAL ON-CAMPUS RESOURCES

Deputy Title IX Coordinator (Students)

Nick Heintz
Director of Public Safety
nheintz@mtmercy.edu
319-363-1323 ext. 1028

Deputy Title IX Coordinator (Faculty & Staff)

Thomas Doermann, Director of Human Resources
dtodermann@mtmercy.edu
319-363-1323 ext. 1629

Title IX Coordinator

Malinda Jensen
Dean of Students
mjensen@mtmercy.edu
319-363-1323 ext. 1360

Department of Public Safety

Fatmir Kote
Assistant Director of Public Safety
319-363-1323 ext. 1234

Dave Langhurst
Assistant Director of Public Safety
319-363-1323 ext. 1234

Nick Heintz
Director of Public Safety
319-363-1323 ext. 1028

CONFIDENTIAL ON-CAMPUS RESOURCES

Students who wish to obtain confidential assistance or access off-campus resources without making a report to the University may do so by speaking with a confidential resource as identified in the list below:

Counseling Services

Karol White
Director of Counseling Services
kwhite@mtmercy.edu
319-363-1323 ext. 1218

Olsen Marriage & Family Therapy Clinic

1599 Wenig Road NE
Cedar Rapids, IA 52402
319-368-6496

Campus Ministry

Father Tony
319-363-1323 ext. 1306

OFF-CAMPUS COMMUNITY RESOURCES

River View

50 2nd Ave Bridge
Cedar Rapids, IA 52401
319-540-0080

Waypoint

318 5th St SE
Cedar Rapids, IA 52401
319-365-1458

St. Luke’s Hospital

1026 A Ave NE
Cedar Rapids, IA 52402
319-369-7211

Mercy Hospital

701 10th St SE
Cedar Rapids, IA 52403
319-398-6011

Cedar Rapids Police Department

505 1st St SW
Cedar Rapids, IA 52404
319-286-5491

The Cedar Rapids Police Department has five investigators assigned to a sex crime unit. This unit oversees the investigation of sex related crimes for all age groups. The unit will work with other community organizations in providing services to victims of sex crimes, as well as investigating these crimes. Mount Mercy University is within the jurisdictional responsibilities of the Cedar Rapids Police Department.

CONFIDENTIAL SUPPORT FOR FACULTY/STAFF

Faculty and staff who wish to obtain confidential assistance or access off-campus resources without making a report to the University may do so by speaking with a confidential resource as identified in the list below:

Employee Assistance Program

1-800-854-1446 English
1-877-858-2147 Spanish
1-800-999-3004 TTY/TDD
website: lifebalance.net

How to Help a Friend after a Sexual Assault – Some Tips

If the Assault Just Occurred

Make sure your friend is safe and encourage her/him to get the help she/he needs, for example, medical attention; filing a police report; or contacting rape advocacy services. But don’t push. Just make sure she/he knows her/his options, and that you are there to support her/him in any way you can.

At ANY Time after the Assault

Listen: Sometimes assault victims just need to talk about their attack. Some victims will want to talk more than others. Allow your friend the freedom to choose when, where and how to talk about the trauma. Avoid judging your friend. Just listen and assure your friend that you are there to support her/him.

Believe: Let your friend know that you believe her/him. Expect a friend in crisis to be and act confused.

Do Not Interrogate: Do not pressure your friend to talk. Limit the number of questions you ask; asking too many or probing questions might make your friend feel like you doubt her/his story or that she/he needs to prove to you what happened.

Do Not Blame: Reinforce that your friend is NOT to blame for the attack and that her/his feelings (whatever they may be) are normal.

Protect Your Friend’s Privacy: Do not share what was told to you in confidence. Get your friend’s permission before you disclose anything to anybody.

Be Patient: Recovery from sexual assault trauma can be slow; let your friend proceed at her/his own pace.

Educate: Educate yourself and your friend about common reactions associated with sexual assault. These reactions can be physical, emotional, social, or academic. Common reactions may include, but are not limited to: shame, withdrawing socially from other friends, sadness, crying spells, anger and irritability.

Know Your Limits: If you are uncomfortable talking about sexual assault, that’s OK. Helping your friend identify who might be able to talk to her/him about the attack can also be supportive. There are times when professional help is best and you can help your friend find a trained counselor, if and when she/he is ready.