

2021

# Annual Security Report



**Allen College**  
UnityPoint Health

# Allen College

## 2021 ANNUAL SECURITY REPORT

### Introduction

This report is provided in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, as amended. It provides students and employees of Allen College ("College") with information on: the College's security arrangements, policies and procedures; programs that provide education on such things as drug and alcohol abuse, awareness of various kinds of sex offenses, and the prevention of crime generally; and procedures the College will take to notify the campus community in the event of an emergency. Its purpose is to provide students and employees with information that will help them make informed decisions relating to their own safety and the safety of others.

### Policy for Preparing the Annual Report

This report is prepared by the Executive Director, Business & Finance in cooperation with local law enforcement authorities and includes information provided by them as well as by the College's campus security authorities and various other elements of the College. Each year an e-mail notification is made to all enrolled students and employees that provides the website link to access this report. Prospective students and employees are also notified of the report's availability. Hard copies of the report may also be obtained at no cost by contacting Denise Hanson, Executive Director, Business & Finance, in person at 1950 Heath Street, Waterloo, IA; by mail at 1825 Logan Ave., Waterloo, IA 50703; or by email at Denise.Hanson@allencollege.edu. The College is committed to taking the actions necessary to provide a safe and secure working/learning environment for all students and staff. As a member of the campus community, you can feel safe and comfortable knowing that security procedures are in place that represent best practices in the field, and are constantly tested and re-evaluated for their effectiveness.

### General Safety and Security Policies

#### Campus Security Personnel & Relationship with Local Law Enforcement

The UnityPoint Health – Waterloo Security Department is responsible for campus safety at the College.

The UnityPoint Health – Waterloo Security Department provides the security, crime prevention, and premises access on the College's campus 24 hours a day, seven days a week. The Security Department's jurisdiction covers all the institution's property which includes hospital and College facilities internally and externally and hospital and College parking lots. The Security Department's officers have the authority to ask persons for identification and to determine whether individuals have lawful business on the institution's property. They also have the authority to issue parking citations and makes arrest when criminal behavior occurs.

While the College does not have any written agreements with local law enforcement agencies, it does maintain a close working relationship with local police.

## **Campus Security Authorities**

The College has designated certain officials to serve as campus security authorities. Reports of criminal activity can be made to these officials. They in turn will ensure that the crimes are reported for collection as part of the College's annual report of crime statistics. The campus security authorities to whom the College would prefer that crimes be reported are listed below.

- Safety & Security Manager at (319) 235-3869
- Executive Director, Business & Finance at (319) 226-2012 or (319) 610-4405
- President at (319) 226-2011
- Provost at (319) 226-2040
- Dean, Enrollment Management at (319) 226-2004
- Dean, School of Nursing at (319) 226-2044
- Dean, School of Health Sciences at (319) 226-2031

## **Reporting a Crime or Emergency**

The College encourages accurate and prompt reporting of all criminal actions, emergencies, or other incidents occurring on campus, on other property owned by the College, or on nearby public property to the appropriate administrator and appropriate police agencies. Such a report is encouraged even when the victim of a crime elects not to make a report or is unable to do so.

Situations that pose imminent danger or while a crime is in progress should be reported to local law enforcement by calling 9-911 or 911 from any campus phone or 911 from any cell phone. Keep in mind that the individual making the call from a cell phone will need to provide the address where the emergency has occurred.

Students, staff, and visitors should report criminal actions, accidents, injuries, or other emergency incidents to one of the campus security authorities identified above. Once reported, the individual making the report will be encouraged to also report it to appropriate police agencies. If requested, a member of College staff will assist a student in making the report to the police.

Anonymous incident reports can also be made via telephone, postal mail or email to the Executive Director of Business & Finance at (319) 226-2012; 1825 Logan Avenue, Waterloo, IA, 50703; or [denise.hanson@allencollege.edu](mailto:denise.hanson@allencollege.edu) respectively.

## **Confidential Reporting**

The College will protect the confidentiality of victims. Only those with a need to know the identity for purposes of investigating the crime, assisting the victim or disciplining the perpetrator will know the victim's identity.

Pursuant to the College's Sexual Harassment Policy, when an employee becomes aware of alleged misconduct under that policy (including, but not limited to, dating violence, domestic violence, sexual assault, and stalking), the employee is responsible for reporting that information, including the status of the parties if known, to the Title IX Coordinator. A victim of other types of crimes (e.g., aggravated assault, burglary, etc.) who does not want to pursue action within the College disciplinary system, or the criminal justice system is nevertheless encouraged to make a confidential report to a campus security authority. Upon the victim's request, a report of the details of the incident can be filed with the College without revealing the victim's identity. Such a confidential report complies with the victim's

wishes, but still helps the College take appropriate steps to ensure the future safety of the victim and others. With such information, the College can keep an accurate record of the number of incidents involving members of the campus community, determine where a pattern of crime may be developing and alert the community as to any potential danger. These confidential reports are counted and disclosed in the annual crime statistics for the College.

The College encourages its professional counselors, if and when they deem it appropriate, to inform the person they are counseling to report crimes on a voluntary, confidential basis for inclusion in the annual report of crime statistics. The College does not have pastoral counselors.

### **Security of and Access to Campus Facilities**

Access to the buildings is only allowed for faculty/staff members, hospital employees, and students. The security officers also perform vehicle patrols of parking lots and surrounding areas.

The Allen College campus has implemented badge access to its facility. All academic buildings are secured during the evenings and weekends. Winter Hall is generally open to the public between 8 a.m. – 4 p.m. Monday – Friday, excluding holidays and posted closures. However, building hours may vary with class schedules and special events. Gerard Hall and Barrett Forum may be accessed by visitors by entering through Winter Hall. Students, faculty and staff have badge access to McElroy Hall, Gerard Hall and Barrett Forum during the hours we are open to the public and/or open for classes. Alumni Hall is available during class time or by appointment only. Almost all buildings are locked and secured via a monitored alarm system during non-business hours generally after 8 p.m. or when classes end, whichever is earlier. The Doctor of Physical Therapy program (DPT) space is located on the fifth floor of UnityPoint Health – Allen Hospital. This space is accessible daily from 5 a.m. - 10 p.m. with appropriate Allen ID badge for faculty, staff and DPT students. The Barrett Forum computer lab is open seven days a week, 24 hours a day, but access is only available with a current and active student ID badge. Parking lots for all buildings are well lighted and patrolled by security. Security patrols are provided on foot and by vehicle. Both buildings and the parking lots are equipped with security surveillance cameras.

Students and employees are asked to be alert and to not circumvent practices and procedures that are meant to preserve their safety and that of others:

- Do not prop doors open or allow strangers into campus buildings that have been secured
- Do not lend keys or access cards to non-students and do not leave them unattended
- Do not give access codes to anyone who does not belong to the campus community

Keys to the offices, laboratories, and classrooms on campus will be issued to employees only as needed and after receiving the proper authorization. Faculty and staff in each department are responsible for assuring his/her area is secured and locked.

Faculty, staff and student employees must adhere to policies regarding unauthorized access to school facilities, theft of, or damage to, school property, or other criminal activity. In particular, rendering inoperable or abusing any fire prevention or detection equipment is prohibited. Violation of these policies may lead to disciplinary action, up to and including termination and the filing of charges with law enforcement authorities.

Employee and student identification cards may be used to verify the identity of persons suspected to be in campus facilities without permission.

### **Security Considerations in the Maintenance of Facilities**

The Executive Director of Business & Finance, the Business Coordinator and the Security Department work with the Plant Services Department to identify needs on the campus when maintaining campus facilities. They do safety checks to identify street or safety lights that are not working, or shrubs or other landscaping that might need trimming. Custodial and maintenance personnel regularly check to ensure pathways are well lighted and that egress lighting is working in hallways and stairwells.

### **Educational Programs Related to Security Awareness and Prevention of Criminal Activity**

The College seeks to enhance the security of its campus and the members of the campus community by periodically presenting educational programs to inform students and employees about campus security procedures and practices, to encourage students and employees to be responsible for their own security and the security of others and to inform them about the prevention of crimes. These programs are discussed below.

Date	Event	Audience
Various (Upon Hire)	ALICE Safety Training: Net Learning Module	New Allen College Faculty, Staff & Adjunct
Spring 2021	ALICE Safety Training: Net Learning Module	New Allen College Students
Summer 2021	ALICE Safety Training: Net Learning Module	New Allen College Students
Fall 2021	ALICE Safety Training: Net Learning Module	All New and Returning Allen College Students
Fall 2021	ALICE Safety Training: Net Learning Module	Allen College Faculty, Staff & Adjunct

Allen College offers Net Learning modules which are on-line training courses that require a certain percentage for passing. These required modules for our students, faculty and staff relate to patient and personal safety, infection control, compliance, and many other topics in healthcare. The Net Learning modules are required annually, and the student modules are listed below. Self-defense courses are offered as needed on campus as well.

- Clery Act & campus crime statistics
- Environmental safety and emergency preparedness
- Drug & Alcohol Awareness

### **Monitoring Off Campus Locations of Recognized Student Organizations**

The College does not have any officially recognized student organizations with off campus locations and therefore does not monitor or record criminal conduct occurring at such locations.

### **Disclosure of the Outcome of a Crime of Violence or Non-Forcible Sex Offense**

Upon written request, the College will disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of title 18, United States Code), or a non-forcible sex

offense, the report on the results of any disciplinary proceeding conducted by the College against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of the paragraph.

The previous paragraph does not apply to victims of dating violence, domestic violence, sexual assault, or stalking because under the Violence Against Women Act both the accused and accuser in these cases are given the results without the need to make a written request.

## **Drug and Alcohol Policy**

The College is committed to creating and maintaining an environment that is free of alcohol abuse. The College, in compliance with the Drug-Free Schools and Communities Act, prohibits the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees on College property or as part of any of its activities.

Furthermore, Allen College prohibits the unauthorized use, possession, or delivery of prescription drugs or medications in the work/school setting, and it enforces the state's underage drinking laws.

The College also enforces federal and state drug laws. The possession, sale, manufacture or distribution of illegal drugs is prohibited on campus or as any part of the College's activities. Violators of the College's policies or federal and state laws regarding illegal drugs will be subject to disciplinary action and possibly criminal prosecution.

### **Federal Drug Laws**

**Denial of Federal Benefits (21 U.S.C. § 862)** A federal drug conviction may result in the loss of federal benefits, including school loans, grants, scholarships, contracts, and licenses. Federal drug trafficking convictions may result in denial of federal benefits for up to five years for a first conviction. Federal drug convictions for possession may result in denial of federal benefits for up to one year for a first conviction and up to five years for subsequent convictions, successful completion of a drug treatment program, including periodic testing, and appropriate community service, or any combination of the three.

**Forfeiture of Personal Property and Real Estate (21 U.S.C. § 853)** Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation. A warrant of seizure may be issued and property seized at the time an individual is arrested on charges that may result in forfeiture.

**Federal Drug Trafficking Penalties (21 U.S.C. § 841)** Penalties for federal drug trafficking convictions vary according to the type and quantity of the controlled substance involved in the transaction. Penalties for subsequent convictions are more severe.

In the case of a controlled substance in schedule I or schedule II, GHB, or flunitrazepam, a person shall be sentenced to a term of imprisonment of not more than 20 years. If death or serious bodily injury results from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces the possibility of a life sentence and fines ranging up to \$10 million.

In the case of a controlled substance in schedule III, a person shall be sentenced to a term of imprisonment of not more than 10 years, and if death or serious bodily injury results, shall be sentenced to a term of imprisonment of not more than 15 years or a fine not to exceed \$500,000, or both, for a first offense.

For less than 50 kilograms of marijuana, the term of imprisonment shall not be more than five years, and the fine shall not be more than \$250,000, or both, for a first offense.

In the case of a schedule IV substance, the term of imprisonment shall not be more than five years, and the fine shall not be more than \$250,000, or both, for a first offense.

Persons convicted on federal charges of drug trafficking within 1,000 feet of an elementary school, secondary school, college, or university (**21 U.S.C. § 860**) face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least one year, unless the offense involves five grams or less of marijuana.

**Federal Drug Possession Penalties (21 U.S.C. § 844)** Persons convicted on federal charges of possessing any controlled substance face penalties of up to one year in prison, a mandatory fine of no less than \$1,000, or both. Second convictions are punishable by not less than 15 days but not more than two years in prison and a minimum fine of \$2,500. Subsequent convictions are punishable by not less than 90 days but not more than three years in prison and a minimum fine of \$5,000.

### Drug and Alcohol State Laws

Category	Summary (Iowa Code)
Possession of Marijuana	Marijuana is a Schedule I controlled substance. Iowa Code § 124.204. Recreational use of marijuana is prohibited in Iowa. Iowa Code § 124.401. First time violation of the law results in a serious misdemeanor, punishable by imprisonment of not more than 6 months, a fine of not more than \$1000, or both. <i>Id.</i> Medical marijuana is also illegal, with the exception of certain specifications of cannabidiol, pursuant to a prescription. See generally Iowa Code Chapter 124E.
Controlled Substances	Iowa has a range of statutes governing controlled substances and their possession and distribution. Iowa Code §§ 124.101 – 124.418. It is unlawful to knowingly or intentionally possess a controlled substance without a prescription. Iowa Code § 124.401. Doing so is a serious misdemeanor for a first offense. A second offense is an aggravated misdemeanor. Possession of a controlled substance near schools or certain other public properties may also result in one hundred hours of community service. Iowa Code § 124.401B.  It is unlawful to manufacture, deliver, or possess with the intent to manufacture or deliver a controlled substance, and violation of the law results in a felony, punishable by a prison time and fines, depending on the type and amount of substance at issue. Iowa Code § 124.401.  As an example, possession of 50 grams of heroin results in a fine between \$1000 and \$50,000.
Alcohol and Minors	A person under 21 shall not purchase, attempt to purchase, or consume alcoholic beverages. Iowa Code § 123.47. Doing so results in a simple misdemeanor punishable by a fine of \$260. Iowa Code § 805.8C(7). For a

Category	Summary (Iowa Code)
	second offense, the fine is \$500, and either a substance abuse evaluation or a suspension of driving privileges up to one year. Iowa Code § 123.47.
Driving Under the Influence (DUI)	A person is guilty of an OWI (Operating While Intoxicated) if he or she operates a vehicle with a blood alcohol concentration of 0.08 percent or more. Iowa Code § 321J.2. A first offense results in a serious misdemeanor charge with a minimum of 48 hours and up to one year in jail and a fine of \$1250. <i>Id.</i> A second offense is an aggravated misdemeanor.

## Drug and Alcohol Abuse Prevention Program

In compliance with the Drug Free Schools and Communities Act, the College has a drug and alcohol abuse and prevention program. For more information see below:

- Annual alcohol and drug abuse net learning modules are required by students.
- Drug and Alcohol Abuse Prevention policy for faculty, staff and students can be found here:  
[https://www.allencollege.edu/filesimages/Current%20Students/Policies\\_Procedures/2-D-800-01-Drug-and-Alcohol-Abuse-Prevention.pdf](https://www.allencollege.edu/filesimages/Current%20Students/Policies_Procedures/2-D-800-01-Drug-and-Alcohol-Abuse-Prevention.pdf)
- The College performs a biennial review of its DAAPP to assess its effectiveness and determine if sanctions are being consistently enforced. For more information about biennial review please contact the Dean of Enrollment Management at (319) 226-2004

## Policies, Procedures, and Programs Related to Dating Violence, Domestic Violence, Sexual Assault, and Stalking

Consistent with applicable laws, the College prohibits dating violence, domestic violence, sexual assault, and stalking. The College's policy used to address complaints of this nature, as well as the procedures for filing, investigating and resolving complaints, may be found at:

- Sexual Harassment Policy:  
[https://www.allencollege.edu/filesimages/Current%20Students/Policies\\_Procedures/3/2-S-800-06%20Sexual%20Harassment%20Policy%20-%20Title%20IX.pdf](https://www.allencollege.edu/filesimages/Current%20Students/Policies_Procedures/3/2-S-800-06%20Sexual%20Harassment%20Policy%20-%20Title%20IX.pdf)

The following sections of this report discuss the College's educational programs to promote the awareness of dating violence, domestic violence, sexual assault and stalking; provides information concerning procedures students and employees should follow and the services available in the event they do become a victim of one of these offenses, and advises students and employees of the disciplinary procedures that will be followed after an allegation that one of these offenses has occurred.

### Primary Prevention and Awareness Program:

The College conducts a Primary Prevention and Awareness Program (PPAP) for all incoming students and new employees. The PPAP advises campus community members that the College prohibits the offenses of dating violence, domestic violence, sexual assault and stalking. They are also informed of the topics discussed below, including relevant definitions, risk reduction, and bystander intervention.

## Crime Definitions

Crime Type (Iowa Code)	Definitions
Dating Violence	The institution has determined, based on good-faith research, that Iowa law does not define the term dating violence.
Domestic Violence	<p>The institution has determined, based on good-faith research, that Iowa law does not define the term domestic violence.</p> <p>However, Iowa law defines the following:</p> <ul style="list-style-type: none"> <li>• "Domestic Abuse" (Iowa Code § 236.2.2): "Domestic abuse" means committing assault as defined in 708.1 under any of the following circumstances: <ul style="list-style-type: none"> <li>a. The assault is between family or household members who resided together at the time of the assault. ("Family or household members" means spouses, persons cohabiting, parents, or other persons related by consanguinity or affinity.)</li> <li>b. The assault is between separated spouses or persons divorced from each other and not residing together at the time of the assault.</li> <li>c. The assault is between persons who are parents of the same minor child, regardless of whether they have been married or have lived together at any time.</li> <li>d. The assault is between persons who have been family or household members residing together within the past year and are not residing together at the time of the assault.</li> <li>e. (1) The assault is between persons who are in an intimate relationship or have been in an intimate relationship and have had contact within the past year of the assault. In determining whether persons are or have been in an intimate relationship, the court may consider the following nonexclusive list of factors: (a) The duration of the relationship; (b) The frequency of interaction; (c) Whether the relationship has been terminated; (d) The nature of the relationship, characterized by either party's expectation of sexual or romantic involvement. (2) A person may be involved in an intimate relationship with more than one person at a time. ("Intimate relationship" means a significant romantic involvement that need not include sexual involvement. An intimate relationship does not include casual social relationships or associations in a business or professional capacity.)</li> </ul> </li> <li>• Assault (Iowa Code § 708.1.2): A person commits an assault when, without justification, the person does any of the following: (a) Any act which is intended to cause pain or injury to, or which is intended to result in physical contact which will be insulting or offensive to another, coupled with the apparent ability to execute the act; (b) Any act which is intended to place another in fear of immediate physical contact which will be painful, injurious, insulting, or offensive, coupled with the apparent ability to execute the act; or (c) Intentionally points any firearm toward another, or</li> </ul>

Crime Type (Iowa Code)	Definitions
	<p>displays in a threatening manner any dangerous weapon toward another; (d) Intentionally points a laser emitting a visible light beam at another person with the intent to cause pain or injury to another. For purposes of this paragraph, "laser" means a device that emits a visible light beam amplified by the stimulated emission of radiation and any light which simulates the appearance of a laser.</p>
Stalking (Iowa Code § 708.11.2)	<p>A person commits stalking when all of the following occur:</p> <ul style="list-style-type: none"> <li>a. The person purposefully engages in a course of conduct directed at a specific person that would cause a reasonable person to feel terrorized, frightened, intimidated, or threatened or to fear that the person intends to cause bodily injury to, or the death of, that specific person or a member of the specific person's immediate family.</li> <li>b. The person has knowledge or should have knowledge that a reasonable person would feel terrorized, frightened, intimidated, or threatened or fear that the person intends to cause bodily injury to, or the death of, that specific person or a member of the specific person's immediate family by the course of conduct.</li> </ul>
Sexual Assault (Iowa Code § 915.40)	<p>Iowa law defines "sexual assault" to mean sexual abuse as defined in section 709.1, or any other sexual offense by which a victim has allegedly had sufficient contact with a convicted or an alleged offender to be deemed a significant exposure.</p> <p>"Sexual abuse" in section 709.1 is defined as any sex act between persons is sexual abuse by either of the persons when the act is performed with the other person in any of the following circumstances:</p> <ol style="list-style-type: none"> <li>1) The act is done by force or against the will of the other. If the consent or acquiescence of the other is procured by threats of violence toward any person or if the act is done while the other is under the influence of a drug inducing sleep or is otherwise in a state of unconsciousness, the act is done against the will of the other.</li> <li>2) Such other person is suffering from a mental defect or incapacity which precludes giving consent, or lacks the mental capacity to know the right and wrong of conduct in sexual matters.</li> <li>3) Such other person is a child.</li> </ol>
Rape, Fondling, Incest, Statutory Rape	<p>For purposes of the Clery Act, the term "sexual assault" includes the offenses of rape, fondling, incest, and statutory rape. These definitions under Iowa law are as follows:</p> <ul style="list-style-type: none"> <li>• Rape: The institution has determined, based on good-faith research, that Iowa law does not define the term rape.</li> <li>• Fondling: The institution has determined, based on good-faith research, that Iowa law does not define the term fondling.</li> <li>• Incest (Iowa Code § 726.2): A person, except a child as defined in section 702.5, who performs a sex act with another whom the person knows to be related to the person, either legitimately or illegitimately, as an ancestor, descendant, brother or sister of the whole or half blood, aunt, uncle, niece, or nephew, commits incest.</li> </ul>

Crime Type (Iowa Code)	Definitions
	<ul style="list-style-type: none"> <li>Statutory Rape: The institution has determined, based on good-faith research, that Iowa law does not define the term statutory rape.</li> </ul>
Other "sexual assault" crimes	<p>Other crimes under Iowa law that may be classified as a "sexual assault" include the following:</p> <ul style="list-style-type: none"> <li>Sexual Abuse (Iowa Code § 709.1): Any sex act between persons is sexual abuse by either of the persons when the act is performed with the other person in any of the following circumstances: (1) The act is done by force or against the will of the other. If the consent or acquiescence of the other is procured by threats of violence toward any person or if the act is done while the other is under the influence of a drug inducing sleep or is otherwise in a state of unconsciousness, the act is done against the will of the other; (2) Such other person is suffering from a mental defect or incapacity which precludes giving consent, or lacks the mental capacity to know the right and wrong of conduct in sexual matters; or (3) Such other person is a child. <ul style="list-style-type: none"> <li>Iowa Code § 702.17: The term "sex act" or "sexual activity" means any sexual contact between two or more persons by any of the following: (1) Penetration of the penis into the vagina or anus; (2) Contact between the mouth and genitalia or mouth and anus or by contact between the genitalia of one person and the genitalia or anus of another person; (3) Contact between the finger, hand, or other body part of one person and the genitalia or anus of another person, except in the course of examination or treatment by [certain healthcare providers]; (4) Ejaculation onto the person of another; (5) By use of artificial sexual organs or substitutes therefor in contact with the genitalia or anus.</li> </ul> </li> <li>Sexual Abuse in the First Degree (Iowa Code § 709.2): A person commits sexual abuse in the first degree when in the course of committing sexual abuse the person causes another serious injury.</li> <li>Sexual Abuse in the Second Degree (Iowa Code § 709.3): A person commits sexual abuse in the second degree when the person commits sexual abuse under any of the following circumstances: <ul style="list-style-type: none"> <li>During the commission of sexual abuse the person displays in a threatening manner a dangerous weapon, or uses or threatens to use force creating a substantial risk of death or serious injury to any person.</li> <li>The other person is a child.</li> <li>The person is aided or abetted by one or more persons and the sex act is committed by force or against the will of the other person against whom the sex act is committed.</li> </ul> </li> <li>Sexual Abuse in the Third Degree (Iowa Code § 709.4): A person commits sexual abuse in the third degree when the person performs a sex act under any of the following circumstances:</li> </ul>

Crime Type (Iowa Code)	Definitions
	<ul style="list-style-type: none"> <li>○ The act is done by force or against the will of the other person, whether or not the other person is the person's spouse or is cohabiting with the person.</li> <li>○ The act is between persons who are not at the time cohabiting as husband and wife and if any of the following are true: (1) The other person is suffering from a mental defect or incapacity which precludes giving consent; (2) <i>[Deleted by Acts 2021 (89 G.A.) S.F. 253, § 4, eff. July 1, 2021.]</i>; (3) The other person is fourteen or fifteen years of age and any of the following are true: (a) the person is a member of the same household as the other person; (b) the person is related to the other person by blood or affinity to the fourth degree; (c) the person is in a position of authority over the other person and uses that authority to coerce the other person to submit; (d) the person is four or more years older than the other person.</li> <li>○ The act is performed while the other person is under the influence of a controlled substance, which may include, but is not limited to flunitrazepam, and all of the following are true: (1) The controlled substance, which may include but is not limited to flunitrazepam, prevent the other person from consenting to the act; (2) The person performing the act knows or reasonably should have known that the other person was under the influence of the controlled substance, which may include but is not limited to flunitrazepam.</li> <li>○ The act is performed while the other person is mentally incapacitated, physically incapacitated, or physically helpless.</li> <li>● Lascivious Acts with a Child (Iowa Code § 709.8.1): It is unlawful for any person sixteen years of age or older to perform any of the following acts with a child with or without the child's consent unless married to each other, for the purpose of arousing or satisfying the sexual desires of either of them: <ul style="list-style-type: none"> <li>○ Fondle or touch the pubes or genitals of a child.</li> <li>○ Permit or cause a child to fondle or touch the person's genitals or pubes.</li> <li>○ Cause the touching of the person's genitals to any part of the body of a child.</li> <li>○ Solicit a child to engage in a sex act or solicit a person to arrange a sex act with a child.</li> <li>○ Inflict pain or discomfort upon a child or permit a child to inflict pain or discomfort on the person.</li> </ul> </li> <li>● Indecent Contact with a Child (Iowa Code § 709.12): A person eighteen years of age or older is upon conviction guilty of an aggravated misdemeanor if the person commits any of the following acts with a child, not the person's spouse, with or without the child's consent, for the purpose of arousing or satisfying the sexual desires of either of them: (a) Fondle or touch the inner thigh, groin, buttock, anus, or breast of the child; (b) Touch the clothing covering the immediate area of the inner thigh, groin, buttock, anus, or breast of the child; (c) Solicit or permit a child to fondle or touch the inner thigh, groin, buttock, anus, or breast of</li> </ul>

Crime Type (Iowa Code)	Definitions
	<p>the person; (d) Solicit a child to engage in any act prohibited under section 709.8, subsection 1, paragraph "a", "b", or "e".</p> <ul style="list-style-type: none"> <li>Lascivious Conduct with a Minor (Iowa Code § 709.14): 1. a. It is unlawful for a person over eighteen years of age or older who is in a position of authority over a minor to force, persuade, or coerce that minor, with or without consent, to disrobe or partially disrobe for the purpose of arousing or satisfying the sexual desires of either of them. b. A violation of this subsection is a serious misdemeanor. 2. For purposes of subsections 3 and 4, "minor" means a person fourteen or fifteen years of age. 3. a. It is unlawful for a person eighteen years of age or older who is in a position of authority over a minor to perform any of the following acts with that minor, with or without consent, for the purpose of arousing or satisfying the sexual desires of either of them: (1) Fondle or touch the inner thigh, groin, buttock, anus, or breast of the minor. (2) Touch the clothing covering the immediate area of the inner thigh, groin, buttock, anus, or breast of the minor. (3) Solicit or permit the minor to fondle or touch the inner thigh, groin, buttock, anus, or breast of the person. (4) Solicit the minor to engage in any act prohibited under subsection 4, paragraph "a", subparagraph (1), (2), or (3). b. A violation of this subsection is a serious misdemeanor. 4. a. It is unlawful for a person eighteen years of age or older who is in a position of authority over a minor to perform any of the following acts with that minor, with or without consent, for the purpose of arousing or satisfying the sexual desires of either of them: (1) Fondle or touch the pubes or genitals of the minor. (2) Permit or cause the minor to fondle or touch the person's genitals or pubes. (3) Cause the touching of the person's genitals to any part of the body of the minor. (4) Solicit the minor to engage in a sex act or solicit a person to arrange a sex act with the minor. (5) Inflict pain or discomfort upon the minor or permit the minor to inflict pain or discomfort on the person. b. A violation of this subsection is an aggravated misdemeanor.</li> </ul>
Consent (as it relates to sexual activity)	The institution has determined, based on good-faith research, that Iowa law does not define the term consent (as it relates to sexual activity).

### College Definition of Consent

The College uses the following definition of consent in its Sexual Harassment Policy for the purpose of determining whether sexual violence, including sexual assault, has occurred.

#### Consent

"Consent" refers to words or actions that a reasonable person in the perspective of the Respondent would understand as agreement to engage in the sexual conduct at issue. A person who is Incapacitated is not capable of giving Consent.

Lack of consent is a critical factor in determining whether Sexual Harassment has occurred. As defined above, consent is an informed, freely given, and mutually understood agreement to participate in specific sexual acts with another person that is not achieved through unreasonable manipulation or coercion—or any kind of physical force or weapon—and requires having cognitive ability to agree to participate. Consent requires an outward demonstration, through mutually understandable words, conduct or action, indicating that an individual has freely chosen to engage in the specific sexual acts. A verbal “no” constitutes lack of consent, even if it sounds insincere or indecisive.

- Silence or lack of physical or verbal resistance does not imply consent.
- If coercion, intimidation, threats, and/or physical force are used, there is no consent.
- Consent cannot be inferred from a person’s manner of dress.
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.
- Consent to past sexual activity does not constitute consent to future sexual activity.
- Consent can be withdrawn at any time. A person who initially consents to sexual activity is deemed not to have consented to any sexual activity that occurs after he or she withdraws consent. When consent is withdrawn, sexual activity must immediately stop.
- Being in a romantic relationship with someone does not imply consent to sexual activity. Even in the context of an ongoing relationship, consent must be sought and freely given for each specific sexual act.
- Effective consent may not exist when there is a disparity in power between the parties (e.g., faculty/student, supervisor/employee).
- A person cannot consent to sexual activity if that person is unable to understand the nature of the activity or give knowing consent due to circumstances, including without limitation the following:
  - The individual is incapacitated due to drug or alcohol consumption, either voluntarily or involuntarily;
  - The individual is unconscious, asleep, or otherwise unaware that sexual activity is occurring;
  - The individual is below the minimum age of consent in the applicable jurisdiction (16 years in Iowa or;
  - The individual has a mental disability that impairs his or her ability to provide consent.

### **Incapacitated**

“Incapacitated” refers to the state where a person does not appreciate the nature or fact of sexual activity due to the effect of drugs or alcohol consumption, medical condition or disability, or due to a state of unconsciousness or sleep.

Incapacitation is a state where an individual cannot make an informed and rational decision to consent to engage in sexual contact because the individual lacks conscious knowledge of the nature of the act (e.g., to understand the “who, what, where, when, why or how” of the sexual interaction) and/or is physically or mentally helpless. An individual is also considered incapacitated, and therefore unable to give consent, when asleep, unconscious, or otherwise unaware that sexual contact is occurring.

Incapacitation can only be found when the Respondent knew or should have known that the Complainant was incapacitated when viewed from the position of a sober, reasonable person. One's own intoxication is not an excuse for failure to recognize another person's incapacitation.

Incapacitation may result from the use of alcohol and/or other drugs; however, consumption of alcohol or other drugs, inebriation, or intoxication alone are insufficient to establish incapacitation. Incapacitation is beyond mere drunkenness or intoxication. The impact of alcohol or drugs varies from person to person, and evaluating incapacitation requires an assessment of how consumption of alcohol and/or drugs impacts an individual's:

- Decision-making ability
- Awareness of consequences
- Ability to make informed judgments
- Capacity to appreciate the nature of circumstances of the act.

No single factor is determinative of incapacitation. Some common signs that someone may be incapacitated include slurred speech, confusion, shaky balance, stumbling or falling down, vomiting, and unconsciousness.

### **Coercion**

“Coercion” is direct or implied threat of force, violence, danger, hardship, or retribution sufficient to persuade a reasonable person of ordinary susceptibility to perform an act which otherwise would not have been performed or acquiesce in an act to which one would otherwise not have submitted. Coercion can include unreasonable and sustained pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. A person's words or conduct cannot amount to Coercion for purposes of this Policy unless they wrongfully impair the other's freedom of will and ability to choose whether or not to engage in sexual activity.

### **Risk Reduction**

If you find yourself in an uncomfortable sexual situation, these suggestions may help you reduce your risk:

- Make your limits known before going too far.
- You can withdraw consent to sexual activity at any time. Do not be afraid to tell a sexual aggressor “NO” clearly and loudly.
- Try to remove yourself from the physical presence of a sexual aggressor. Be direct as possible about wanting to leave the environment.
- Grab someone nearby and ask them for help.
- Be responsible about your alcohol and/or drug use. Alcohol and drugs can lower your sexual inhibitions and may make you vulnerable to someone who views an intoxicated/high person as a sexual opportunity.
- Attend large parties with friends you trust. Watch out for your friends and ask that they watch out for you.
- Be aware of someone trying to slip you an incapacitating “rape drug” like Rohypnol or GHB.

If you find yourself in the position of being the initiator of sexual behavior, these suggestions may help you to reduce your risk of being accused of sexual assault or another sexual crime:

- Remember that you owe sexual respect to the other person.
- Don't make assumptions about the other person's consent or about how far they are willing to go.
- Remember that consent to one form of sexual activity does not necessarily imply consent to another form of sexual behavior.
- If your partner expresses a withdrawal of consent, stop immediately.
- Clearly communicate your sexual intentions so that the other person has a chance to clearly tell you their intentions.
- Consider "mixed messages" a clear sign that the other person is uncomfortable with the situation and may not be ready to progress sexually.
- Don't take advantage of someone who is really drunk or on drugs, even if they knowingly and intentionally put themselves in that state. Further, don't be afraid to step in if you see someone else trying to take advantage of a nearly incapacitated person.
- Be aware of the signs of incapacitation, such as slurred speech, bloodshot eyes, vomiting, unusual behavior, passing out, staggering, etc.

It is also important to be aware of the warning signs of an abusive person. Some examples include: past abuse; threats of violence or abuse; breaking objects; using force during an argument; jealousy; controlling behavior; quick involvement; unrealistic expectations; isolation; blames others for problems; hypersensitivity; cruelty to animals or children; "playful" use of force during sex; Jekyll-and-Hyde personality.

### **Bystander Intervention**

In addition to reporting incidents to appropriate authorities, below are some ways in which individuals can take safe and positive steps to prevent harm and intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking against another person.

- Look out for those around you.
- Realize that it is important to intervene to help others.
- Treat everyone respectfully. Do not be hostile or an antagonist.
- Be confident when intervening.
- Recruit help from others if necessary.
- Be honest and direct.
- Keep yourself safe.
- If things get out of hand, don't hesitate to contact the police.

### **Other Information Covered by the PPAP**

The PPAP also provides information on possible sanctions and protective measures that may be imposed following a determination that an offense of dating violence, domestic violence, sexual assault, or stalking has occurred, an explanation of the disciplinary procedures that will be followed when one of these offenses is alleged, the rights of the parties in such a proceeding, available resources, and other pertinent information. Much of this information is set forth in the upcoming sections of this security report.

### Ongoing Prevention and Awareness Campaign:

The College also conducts an Ongoing Prevention and Awareness Campaign (OPAC) aimed at all students and employees. This campaign covers the same material as provided in the PPAP, but is intended to increase the understanding of students and employees on these topics and to improve their skills for addressing the offenses of dating violence, domestic violence, sexual assault and stalking.

### PPAP and OPAC Programming Methods:

The PPAP and OPAC are carried out in a variety of ways, using a range of strategies, and, as appropriate, targeting specific audiences throughout the College. Methods include, but are not limited to online presentations, distribution of written materials, periodic email blasts, and guest speakers. Past programming and currently planned programming include the following:

<b>Date</b>	<b>Event</b>	<b>Audience</b>
Various (Upon Hire)	Title IX/FERPA Training – Net Learning	Allen College Faculty, Staff & Adjunct
Spring 2021	Title IX/FERPA Training – Net Learning	New Allen College Students
Summer 2021	Title IX/FERPA Training – Net Learning	New Allen College Students
Fall 2021	Title IX/FERPA Training – Net Learning	New and Returning Allen College Students
Fall 2021	Title IX – Net Learning FERPA Training – Email	Allen College Faculty, Staff & Adjunct

The Student Primary Prevention and Awareness Program (PPAP) is required annually for new students. Because the College recognizes that the prevention of sexual misconduct, including domestic violence, dating violence, sexual assault, and stalking, is important, it offers educational programming to a variety of groups such as campus personnel, incoming students, and new employees. Among other elements, such training covers relevant definitions, procedures, and sanctions; provides safe and positive options for bystander intervention; and provides risk reduction information, including recognizing warning signs of abusive behavior and how to avoid potential attacks. Although the student PPAP is aimed at new students, it is required of all students annually and is provided through online delivery. Additionally, self-defense trainings were offered on campus to students and faculty and staff.

The Employee Primary Prevention and Awareness Program (PPAP) is required annually for all new and returning employees. Among other elements, such training will cover relevant definitions, procedures, and sanctions; will provide safe and positive options for bystander intervention; and will provide risk reduction information, including recognizing warning signs of abusive behavior and how to avoid potential attacks. Although this Primary Prevention and Awareness Program (PPAC) is aimed at new employees, it is required of all employees annually. The training is provided through multiple delivery methods including face-to-face and online to accommodate learning styles and schedules.

As part of its ongoing campaign, the College uses a variety of strategies, such as emails blasts with pertinent information, Facebook campaign, etc. While programming occurs throughout the year, the College also offers educational sessions in coordination with nationally recognized observances such as Sexual Assault Awareness Month and Domestic Violence Awareness Month.

## **Procedures to Follow if You are a Victim of Dating Violence, Domestic Violence, Sexual Assault, or Stalking:**

If you believe you are the victim of sexual assault, domestic violence, dating violence, or stalking, get to safety and call 911 and/or campus security at (319) 240-7189. You may also contact the Title IX Coordinator at (319) 226-2004. The College also encourages all individuals who feel they have been victims of sexual assault, domestic violence, dating violence, or stalking to seek immediate assistance from a medical provider for emergency services, including treatment of any injury.

Seeking medical attention and preserving evidence helps preserve the full range of options for an individual, including the options of working through the College's Complaint Resolution Procedures and/or legal options including obtaining a protective order from a court, pursuing a civil action, and/or participating in a law enforcement investigation and criminal prosecution.

Even if an individual has not been physically hurt, a timely medical examination is recommended so that forensic evidence can be collected and preserved. An individual may choose to allow the collection of evidence by medical personnel even if they choose not to make a report to the police.

Local medical assistance can be obtained at:

UnityPoint Health – Allen Hospital (319) 235-3941 Emergency Department

Mercy One (319) 272-7050 Emergency Department

Victims will be notified in writing of the procedures to follow, including:

1. To whom and how the alleged offense should be reported (contact the Title IX Coordinator or refer to the other resources listed in this report).
2. The importance of preserving evidence that may be necessary to prove the offense in a criminal proceeding or disciplinary action or to obtain a protective order.
3. The victim's options regarding notification to law enforcement, which are: (a) the option to notify either on-campus or local police; (b) the option to be assisted by campus security authorities in notifying law enforcement if the victim so chooses (the institution is obligated to comply with such a request if it is made); and (c) the option to decline to notify such authorities.
4. Where applicable, the rights of victims and the institution's responsibilities regarding orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.

## **Preservation of Evidence & Forensic Examinations**

Victims of physical assault are advised to not remove clothing items worn during or following an assault, as they frequently contain valuable fiber, hair, and fluid evidence. Don't bathe or wash, or otherwise clean the environment in which the assault occurred. You can obtain a forensic examination at UnityPoint Health – Allen Hospital, 1825 Logan Avenue, Waterloo, IA (319) 235-3941.

Completing a forensic examination does not require you to file a police report, but having a forensic examination will help preserve evidence in case you decide at a later date to file a police report.

Victims are also advised to retain evidence in electronic formats (e.g., text messages, emails, photos, social media posts, screenshots, etc.). Such evidence is valuable in all situations, and it may be the only type of evidence available in instances of stalking.

## **Security/Law Enforcement & How to Make a Police Report**

- UnityPoint Health – Waterloo Security (319) 240-7189
- Waterloo Police Department, 715 Mulberry St, Waterloo, IA (319) 291-4339
- To make a police report, a victim should contact the local police agency listed above either by phone or in-person. The victim should provide as much information as possible, including name, address, and when and what occurred, to the best of the victim's ability.

## **Information about Legal Protection Orders**

Individuals who feel they have experienced sexual assault, domestic violence, dating violence, or stalking have the option to pursue a criminal complaint with the appropriate law enforcement agency, to pursue a complaint with the College through its Complaint Resolution Procedures or to pursue both processes consecutively or concurrently. A victim of Sexual Assault, Domestic Violence, Dating Violence, or Stalking also has the right not to pursue any complaint to either the College or to a law enforcement agency.

For more information regarding the option to pursue a criminal complaint, contact:

**UnityPoint Health – Allen Security (319) 240-7189 or non-emergency number (319) 235-3869 or (319) 235-1392.**

**Waterloo Police Department, 911 or non-emergency number (319) 291-4340.**

The Title IX Coordinator and the Campus Security Department are available to assist students with contacting appropriate law enforcement authorities. (For more information on the extent of a particular law enforcement agency's reporting obligations to other entities or its ability to protect an individual's privacy or have confidential communications during the criminal complaint process, contact the appropriate law enforcement agency.)

In addition to having the option of pursuing a criminal complaint, individuals also have the right to request that law enforcement issue emergency protective restraining orders or to pursue such orders through the court process. The College can assist parties who wish to do so. Individuals who receive emergency or permanent protective or restraining orders through a criminal or civil process should notify the Title IX Coordinator so that the College can work with the individual and the subject of the restraining order to manage compliance with the order on campus. For more information about such orders see:

Black Hawk County Courthouse, 316 East 5<sup>th</sup> Street, Waterloo, IA 50703 (319) 833-3000.

The Iowa Judicial Branch can provide the necessary forms and may assist in completing the forms. Forms may also be found at <https://www.iowacourts.gov/for-the-public/court-forms>.

When a protection order is granted, it is enforceable statewide. If you have obtained a protection order and need it to be enforced in your area, you should contact the local police department.

The College will also enforce any temporary restraining order or other no contact order against the alleged perpetrator from a criminal, civil, or tribal court. Any student or employee who has a protection order or no contact order should notify the Title IX Coordinator and provide a copy of the restraining order so that it may be kept on file with the institution and can be enforced on campus, if necessary. Upon learning of any orders, the institution will take all reasonable and legal action to implement the order.

The College does not issue legal orders of protection. However, as a matter of institutional policy, the institution may impose a no-contact order between individuals in appropriate circumstances. This institution may also issue a “no trespass warning” if information available leads to a reasonable conclusion that an individual is likely to cause harm to any member of the campus community. A person found to be in violation of a No Trespass Warning may be arrested and criminally charged.

### **Available Victim Services:**

Victims will be provided written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to them, both within the College and in the surrounding community. Those services include:

- **Student Financial Aid** – Sometimes a victim of a crime may feel the need to take a leave of absence from school. If a student is considering a leave of absence based on the circumstances of a complaint, he/she should understand there may be financial aid implications in taking such leave. This should be discussed with financial aid personnel, and the Title IX Coordinator for your campus can assist in facilitating this conversation if desired. The College’s financial aid website can be found at:
- Iowa Legal Aid: <https://www.iowalegalaid.org/>
- National Domestic Violence Hotline: (800) 799-7233
- National Sexual Assault Hotline: (800) 656-4673
- Rape, Abuse and Incest National Network (RAINN): <https://www.rainn.org/>
- US Dept. of Justice Office on Violence Against Women: <https://www.justice.gov/ovw>
- National Coalition Against Domestic Violence: <http://www.ncadv.org/>
- National Sexual Violence Resource Center: <http://www.nsvrc.org/>
- U.S. Citizenship and Immigration Services: <https://www.uscis.gov/>
- Immigration Advocates Network: <https://www.immigrationadvocates.org/>

The following services list is meant to be a guide, is not all-inclusive and is subject to change

<b>Judicial Services</b>	
<p>UnityPoint Health – Waterloo Security</p> <p>ER Entrance</p> <p>1825 Logan Ave.</p> <p>Waterloo, IA 50703</p> <p>(319) 235-3869</p> <p>(319) 240-7189 (cell)</p>	
<p>Waterloo Police Department</p> <p>715 Mulberry St.</p> <p>Waterloo, IA 50703</p> <p>(319) 291-2515 or 911 (emergency)</p>	<p>To report sexual abuse that occurred in Waterloo. Reporting is not the same as filing charges but would initiate an investigation of the assault.</p>
<p>Cedar Falls Police Department</p> <p>220 Clay St.</p> <p>Cedar Falls, IA 50613</p> <p>(319) 273-8612 or 911 (emergency)</p>	<p>To report sexual abuse that occurred in Cedar Falls. Reporting is not the same as filing charges but would initiate an investigation of the assault.</p>
<p>Waverly Police Department</p> <p>111 4<sup>th</sup> Street NE</p> <p>Waverly, IA 50677</p> <p>(319) 352-5400 or 911 (emergency)</p>	<p>To report sexual abuse that occurred in Waverly. Reporting is not the same as filing charges but would initiate an investigation of the assault.</p>
<p>Black Hawk County Sheriff's Department</p> <p>225 E 6<sup>th</sup> Street</p> <p>Waterloo, IA 50703</p> <p>(319) 291-2587</p>	
<p>Bremer County Sheriff's Department</p> <p>111 4<sup>th</sup> Street NE</p> <p>Waverly, IA 50677</p> <p>(319) 352-5400</p>	
<p>Black Hawk County Attorney's Office</p> <p>Black Hawk County Courthouse</p> <p>Room B-1</p>	<p>Review cases and make a determination of prosecution of sexual abuse/assault cases that occurred within their jurisdiction.</p>

<p>316 E. 5th St.  Waterloo, IA 50703 (319) 833-3001</p>	
<p>Allen College Administration Office, Academic Affairs Office, or Enrollment Management Office (319) 226-2000 (General Information)</p>	<p>To file a College complaint if the perpetrator is a student. A victim/survivor can simultaneously pursue criminal prosecution and College disciplinary sanctions against the perpetrator(s).</p>
<b>Psychological Services</b>	
<p>UnityPoint Health – Waterloo EAP (Employee Assistance Program)  (319) 235-3550  After Hours (319) 235-4357  Toll Free (800) 303-9996  Helpline (319) 235-4357  <a href="https://www.unitypoint.org/waterloo/employee-assistance-programs.aspx">https://www.unitypoint.org/waterloo/employee-assistance-programs.aspx</a></p>	<p>Counseling and referral services are available to Allen College students and employees.</p>
<p>UnityPoint Health – Waterloo Allen Mental Health Walk-In Clinic  (319) 226-2106</p>	<p>Provide counseling and link with community resources.</p>
<p>Cedar Valley Friends of the Family 24 Hour Crisis Line (319) 352-1108 or (800) 410-7233  <a href="http://www.fofia.org">http://www.fofia.org</a></p>	<p>Offers services dealing with domestic violence and sexual assault. Telephone support offered for any type of problem, also offered through collect calls. Victims' name not necessary. Advocacy services are in conjunction with a medical exam and/or legal proceedings.</p>
<p>Iowa Coalition Against Domestic Violence  Iowa Domestic Violence Hotline: (800) 942-0333  <a href="http://www.icadv.org">http://www.icadv.org</a></p>	<p>24-hour crisis line, 24-hour rape/sexual assault medical, legal and court advocacy, individual counseling, support groups, emergency cellular phone loan program, transportation to medical and counseling appointments as needed, training, community education and prevention services.</p>
<p>Blackhawk-Grundy Mental Health Center Inc. 3251 W 9th St Waterloo, IA 50702 (319) 234-2893 or (800) 583-1526  <a href="http://www.unitypoint.org/waterloo/mental-health.aspx">www.unitypoint.org/waterloo/mental-health.aspx</a></p>	<p>Individual and family counseling services. Eligibility for counseling services is based upon county eligibility guidelines, managed care and/or insurance requirements. Services are provided on a sliding fee scale based upon income.</p>
<p>Waypoint Services</p>	<p>Waypoint provides shelter and support for women and families in crisis due to homelessness, poverty, and domestic</p>

<p>Crisis line (319) 363-2093 or (800) 208-0388</p> <p>Business (319) 365-1458</p> <p><a href="http://www.waypointservices.org">www.waypointservices.org</a></p>	<p>violence. It also provides quality, affordable childcare.</p>
<b>Medical Services</b>	
<p>UnityPoint Health – Waterloo (Allen Memorial Hospital)  (319) 235-3941  1825 Logan Avenue  Waterloo, IA 50703  <a href="http://www.unitypoint.org">www.unitypoint.org</a></p>	<p>24-Hour emergency medical services and examinations for evidence using a rape kit. Located adjacent to Allen College campus.</p>
<p>Sartori Memorial Hospital  (319) 268-3000  515 College Street  Cedar Falls, IA 50613  <a href="https://www.mercyone.org/location/mercyone-cedar-falls-medical-center">https://www.mercyone.org/location/mercyone-cedar-falls-medical-center</a></p>	<p>24-Hour emergency medical services and examinations for evidence using a rape kit. Close to UNI campus.</p>
<p>UnityPoint –Waterloo, Allen Women's Health Center  (319) 235-5090  233 Vold Drive  Waterloo, IA 50703  <a href="http://www.unitypoint.org">www.unitypoint.org</a></p>	<p>Provides reproductive health care for the women of Northeast Iowa. The Center receives Title V Maternal Health, Title X Family Planning from the Iowa Department of Public Health for Black Hawk, Bremer, Buchanan, and Grundy county service areas. In addition, Adolescent Pregnancy Prevention funds are received from the Iowa Department of Human Services. The Women's Health Center is known area wide for providing health services for women of all income levels and ages.</p>
<p>Waverly Health Center  (319) 352-4120  312 9<sup>th</sup> Street SW  Waverly, IA 50677</p>	<p>24-Hour emergency medical services and examinations for evidence using a rape kit. Close to Wartburg campus.</p>
<p>Black Hawk County Sexually Transmitted Disease Clinic  1407 Independence Ave., Suite 5  Waterloo, IA 50703  (319) 291-2413</p>	<p>Free, confidential sexually transmitted disease testing and treatment, anonymous HIV antibody testing. No appointment necessary. Please phone for clinic hours.</p>
<b>Religious/Spiritual Services</b>	
<p>Allen Memorial Hospital Spiritual Care  (319) 235-3694 After Hours (319) 235-6344  1825 Logan Avenue  Waterloo, IA 50703</p>	<p>Spiritual counseling available.</p>
<p>Wartburg College Ministry Services  (319) 352-8217  100 Wartburg Blvd  Waverly, IA 50677</p>	<p>Spiritual counseling available.</p>
<p>UNI Campus Ministries are listed in the UNI telephone directory.</p>	<p>Spiritual counseling available.</p>

(319) 273-2311 for assistance in locating a specific denomination	
<b>Financial Services</b>	
Crime Victim Compensation Program (800) 373-5044 or (515) 281-5044	Reimbursement for cost of sexual assault evidence collection ("rape kit" exam). Will reimburse for other crime-related expenses (e.g. lost wages, medical /counseling costs) under certain conditions.
<b>Education/Advocacy Services</b>	
Center for Violence Prevention (319) 273-3545 Sabin 309  University of Northern Iowa Cedar Falls, IA 50614-0409	Counseling, medical & legal referrals, safe housing arrangements, assistance with academic concerns (e.g. coursework extensions, excused absences, reduced course loads), meeting accompaniment, initiation of No Contact and/or No Trespass orders. Coordination of campus-wide prevention efforts.
Crime Victim Witness Assistance Program Black Hawk Co. Attorney's Office (319) 833-3001	Information regarding victim's rights and assistance in trial preparation, in obtaining restitution and in reclaiming property held as evidence. Referral assistance and accompaniment to court (if desired).
Iowa Sexual Abuse Hotline (800) 284-7821	The Iowa Sexual Abuse Hotline is a 24-hour line providing support, information and referral services to survivors of sexual abuse, significant others, and individuals seeking information and referral. All services are confidential, free of charge and available to women, men and children. The Iowa Sexual Abuse Hotline assists callers in accessing local resources such as sexual assault and domestic violence centers, shelters, law enforcement agencies, hospitals, county attorney offices, and other counseling services.
Waterloo Riverview Center  (888) 557-0310  (319) 939-9599 (Daytime)  <a href="http://www.riverviewcenter.org">www.riverviewcenter.org</a>	24-hour sexual assault crisis and support line
Waypoint Services  Crisis line (319) 363-2093 or (800) 208-0388  Business (319) 365-1458  <a href="http://www.waypointservices.org">www.waypointservices.org</a>	24-hour relationship violence crisis and support line

The following services list is meant to be a guide, is not all-inclusive and is subject to change

### **Accommodations and Protective Measures:**

The College will provide written notification to victims about options for, and available assistance in, changing academic, living, transportation, and working situations or protective measures. If victims request these accommodations or protective measures and they are reasonably available the College is obligated to provide them, regardless of whether the victim chooses to report the crime to campus security or local law enforcement.

Requests for accommodations or protective measures should be made to the Title IX Coordinator at (319) 226-2004, and the Title IX Coordinator is responsible for deciding what, if any, accommodations or protective measures will be implemented.

When determining the reasonableness of such a request, the College may consider, among other factors, the following:

- The specific need expressed by the complainant.
- The age of the students involved.
- The severity or pervasiveness of the allegations
- Any continuing effects on the complainant
- Whether the complainant and alleged perpetrator share the same class or job location.
- Whether other judicial measures have been taken to protect the complainant (e.g., civil protection orders).

The College will maintain as confidential any accommodations or protective measures provided a victim to the extent that maintaining confidentiality would not impair the College's ability to provide them. However, there may be times when certain information must be disclosed to a third party in order to implement the accommodation or protective measure. Such decisions will be made by the College in light of the surrounding circumstances, and disclosures of this nature will be limited so that only the information necessary to implement the accommodation or protective measure is provided. In the event it is necessary to disclose information about a victim in order to provide an accommodation or protective order, the College will inform the victim of that necessity prior to the disclosure, including which information will be shared, with whom it will be shared and why.

### **Procedures for Disciplinary Action:**

Allegations of domestic violence, dating violence, sexual assault or stalking will be processed through the institution's Sexual Harassment Policy and the related complaint resolution procedures. The procedures are utilized whenever or wherever a complaint is made, regardless of the status of the complainant and the respondent.

The complaint resolution procedures are invoked once a report is made to one of the following individuals:

**Title IX Coordinator**

Dr. Joanna Ramsden-Meier  
Dean of Enrollment Management  
(319) 226-2004  
Office #132 Barrett Forum  
Joanna.Ramsden-Meier@allencollege.edu

**Title IX Deputy Coordinator**

Denise Hanson  
Executive Director, Business & Finance  
(319) 226-2012  
Office #146 Barrett Forum  
Denise.Hanson@allencollege.edu

Reports may be made by complainants, third parties, witnesses, or bystanders, and may be made in person, by regular mail, telephone, electronic mail, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

**Preliminary Assessment**

After receiving a report under "Reporting Sexual Harassment," the Title IX Coordinator will conduct a preliminary assessment to determine:

- Whether the conduct, as reported, falls or could fall within the scope of this Policy (see "Scope"); and
- Whether the conduct, as reported, constitutes or could constitute Sexual Harassment.

If the Title IX Coordinator determines that the conduct reported could not fall within the scope of this Policy, and/or could not constitute Sexual Harassment, even if investigated, the Title Coordinator will close the matter under this Policy and may notify the reporting party if doing so is consistent with the Family Educational Rights and Privacy Act ("FERPA"). The Title IX Coordinator may refer the report to other College offices, as appropriate, including for potential assessment under the under the Student Code of Conduct in the case of students and other College policies and standards, as applicable, for other persons.

If the Title IX Coordinator determines that the conduct reported could fall within the scope of this Policy, and/or could constitute Sexual Harassment, if investigated, the Title IX Coordinator will proceed to contact the Complainant (see "Contacting the Complainant").

As part of the preliminary assessment, the Title IX Coordinator may take investigative steps to determine the identity of the Complainant, if it is not apparent from the report.

## **Contacting the Complainant**

If a report is not closed as a result of the preliminary assessment (see “Preliminary Assessment”) and the Complainant’s identity is known, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of Supportive Measures (see “Supportive Measures”); to discuss and consider the Complainant’s wishes with respect to Supportive Measures; to inform the Complainant about the availability of Supportive Measures with or without filing a Formal Complaint; and to explain the process for filing and pursuing a Formal Complaint. The Complainant will also be provided options for filing complaints with the local police and information about resources that are available on campus and in the community.

## **Supportive Measures**

If a report is not closed as a result of the preliminary assessment (see “Preliminary Assessment”), the College will offer and make available Supportive Measures to the Complainant regardless of whether the Complainant elects to file a Formal Complaint.

Contemporaneously with the Respondent being notified of a Formal Complaint, the Title IX Coordinator will notify the Respondent of the availability of Supportive Measures for the Respondent, and the College will offer and make available Supportive Measures to the Respondent in the same manner in which it offers and makes them available to the Complainant. The College will also offer and make available Supportive Measures to the Respondent prior to the Respondent being notified of a Formal Complaint, if the Respondent requests such measures.

The Title IX Coordinator will provide the Complainant and Respondent with a written document (separate from this Policy) listing the available rights, options, and resources, including Supportive Measures, and describing of the College’s procedures for investigating and resolving reports of Sexual Harassment in plain, concise language.

The College will maintain the confidentiality of Supportive Measures provided to either a Complainant or Respondent, to the extent that maintaining such confidentiality does not impair the College’s ability to provide the Supportive Measures in question.

## **Interim Removal**

At any time after receiving a report of Sexual Harassment, the Title IX Coordinator may remove a student Respondent from one or more of the College’s Education Programs and Activities on a temporary basis if an individualized safety and risk analysis determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment justifies removal. In the event the Title IX Coordinator imposes an interim removal, the Title IX Coordinator must offer to meet with the Respondent within twenty-four hours and provide the Respondent an opportunity to challenge the interim removal.

In the case of a Respondent who is a non-student employee (administrator, faculty, or staff), and in its discretion, the College may place the Respondent on administrative leave at any time after receiving a report of Sexual Harassment, including during the pendency of the investigation and adjudication process (see “Investigation” and “Adjudication”).

For all other Respondents, including independent contractors and guests, the College retains broad discretion to prohibit such persons from entering onto its campus and other properties at any time, and for any reason, whether after receiving a report of Sexual Harassment or otherwise.

## Formal Complaint

A Complainant may file a Formal Complaint with the Title IX Coordinator requesting that the College investigate and adjudicate a report of Sexual Harassment in accordance with the provisions “Investigation” and “Adjudication.” Provided, however, that at the time the Complainant submits a Formal Complaint, the Complainant must be participating in, or attempting to participate in, one or more of the College’s Education Programs or Activities.

A Complainant may file a Formal Complaint with the Title IX Coordinator in person, by regular mail, or by email using the contact information specified in “Reporting Sexual Harassment.” No person may submit a Formal Complaint on the Complainant’s behalf.

In any case, including a case where a Complainant elects not to file a Formal Complaint, the Title IX Coordinator may file a Formal Complaint on behalf of the College if doing so is not clearly unreasonable. Such action will normally be taken in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to the College Community. Factors the Title IX Coordinator may consider include (but are not limited to):

- The alleged Respondent is likely to commit additional acts of Sexual Harassment, such as:
  - Whether there have been other Sexual Harassment complaints about the same alleged Respondent;
  - Whether the alleged Respondent has a history of arrests or records from a prior school indicating a history of violence;
  - Whether the alleged Respondent threatened further Sexual Harassment against the Complainant or others;
  - Whether the Title IX Sexual Harassment was committed by multiple perpetrators
- The Title IX Sexual Harassment was perpetrated with a weapon
- The Complainant is a minor
- The College possesses other means to obtain relevant evidence of the Sexual Harassment (e.g., security cameras or personnel, physical evidence)
- The Complainant’s report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

If the Complainant or the Title IX Coordinator files a Formal Complaint, then the College will commence an investigation as specified in “Reporting Sexual Harassment” and proceed to adjudicate the matter as specified in “Adjudication,” below. In all cases where a Formal Complaint is filed, the Complainant will be treated as a party, irrespective of the party’s level of participation.

In a case where the Title IX Coordinator files a Formal Complaint, the Title IX Coordinator will not act as a Complainant or otherwise as a party for purposes of the investigation and adjudication processes.

If neither the Reporting Party nor the Title IX Coordinator files a Formal Complaint, the complaint resolution provisions of this Policy will not be applied, but the Title IX Coordinator may refer the report to other College offices as appropriate.

## **Consolidation of Formal Complaints**

The College may consolidate Formal Complaints as to allegations of Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Sexual Harassment arise out of the same facts or circumstances. Where the investigation and adjudication process involve more than one Complainant or more than one Respondent, references in this Policy to the singular “party,” “Complainant,” or “Respondent” include the plural, as applicable. A Formal Complaint of Retaliation may be consolidated with a Formal Complaint of Sexual Harassment.

## **Dismissal Prior to Commencement of Investigation**

In a case where the Complainant files a Formal Complaint, the Title IX Coordinator will evaluate the Formal Complaint and must dismiss it if the Title IX Coordinator determines:

- The conduct alleged in the Formal Complaint would not constitute Sexual Harassment, even if proved; or
- The conduct alleged in the Formal Complaint falls outside the scope of the Policy specified in “Scope” (that is, because the alleged conduct did not occur in the College’s Education Programs and Activities and/or the alleged conduct occurred outside the geographic boundaries of the United States).

In the event the Title IX Coordinator determines the Formal Complaint should be dismissed pursuant to this Section, the Title IX Coordinator will provide written notice of dismissal to the parties and advise them of their right to appeal as specified in “Appeal.” The Title IX Coordinator may refer the subject matter of the Formal Complaint to other College offices, as appropriate. A dismissal pursuant to this Section is presumptively a final determination for purposes of this Policy, unless otherwise specified in writing by the Title IX Coordinator in the written notice of dismissal.

## **Notice of Formal Complaint**

Within five (5) days of the Title IX Coordinator receiving a Formal Complaint, the Title IX Coordinator will transmit a written notice to the Complainant and Respondent that includes:

- A physical copy of this Policy or a hyperlink to this Policy;
- Sufficient details known at the time so that the parties may prepare for an initial interview with the investigator, to include the identities of the parties involved in the incident (if known), the conduct allegedly constituting Sexual Harassment, and the date and location of the alleged incident (if known);
- A statement that the Respondent is presumed not responsible for the alleged Sexual Harassment and that a determination of responsibility will not be made until the conclusion of the adjudication and any appeal;
- Notifying the Complainant and Respondent of their right to be accompanied by an advisor of their choice, as specified in “Advisor of Choice.”
- Notifying the Complainant and Respondent of their right to inspect and review evidence as specified in “Access to Evidence.”
- Notifying the Complainant and Respondent of the College’s prohibitions on retaliation and false statements specified in Sections “Bad Faith Complaints and False Information” and “Retaliation.”
- Information about resources that are available on campus and in the community.

Should the College elect, at any point, to investigate allegations that are materially beyond the scope of the initial written notice, the College will provide a supplemental written notice describing the additional allegations to be investigated.

## **Investigation**

### **Commencement and Timing**

After the written notice of Formal Complaint is transmitted to the parties, an investigator selected by the Title IX Coordinator or his/her designee will undertake an investigation to gather evidence relevant to the alleged misconduct, including inculpatory and exculpatory evidence. The burden of gathering evidence sufficient to reach a determination in the adjudication lies with the College and not with the parties. The investigation will culminate in a written investigation report, specified in "Investigation Report," that will be submitted to the adjudicator during the selected adjudication process. Although the length of each investigation may vary depending on the totality of the circumstances, the College strives to complete each investigation within thirty (30) to forty-five (45) days of the transmittal of the written notice of Formal Complaint.

### **Equal Opportunity**

During the investigation, the investigator will provide an equal opportunity for the parties to be interviewed, to present witnesses (including fact and expert witnesses), and to present other inculpatory and exculpatory evidence. Notwithstanding the foregoing, the investigator retains discretion to limit the number of witness interviews the investigator conducts if the investigator finds that testimony would be unreasonably cumulative, if the witnesses are offered solely as character references and do not have information relevant to the allegations at issue, or if the witnesses are offered to render testimony that is categorically inadmissible, such as testimony concerning sexual history of the Complainant, as specified in "Sexual History." The investigator will not restrict the ability of the parties to gather and present relevant evidence on their own.

The investigation is a party's opportunity to present testimonial and other evidence that the party believes is relevant to resolution of the allegations in the Formal Complaint. A party that is aware of and has a reasonable opportunity to present particular evidence and/or identify particular witnesses during the investigation, and elects not to, will be prohibited from introducing any such evidence during the adjudication absent a showing of mistake, inadvertence, surprise, or excusable neglect.

### **Documentation of Investigation**

The investigator will take reasonable steps to ensure the investigation is documented. Interviews of the parties and witnesses may be documented by the investigator's notes, audio recorded, video recorded, or transcribed. The particular method utilized to record the interviews of parties and witnesses will be determined by the investigator in the investigator's sole discretion, although whatever method is chosen shall be used consistently throughout a particular investigation.

## **Access to the Evidence**

At the conclusion of the evidence-gathering phase of the investigation, but prior to the completion of the investigation report, the Investigating Officer will transmit to each party and their advisor, in either electronic or hard copy form, all evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including evidence the College may choose not to rely on at any hearing and inculpatory or exculpatory evidence whether obtained from a party or some other source. Thereafter, the parties will have ten (10) days in which to submit to the investigator a written response, which the investigator will consider prior to completing the investigation report.

The parties and their advisors are permitted to review the evidence solely for the purposes of this grievance process and may not duplicate or disseminate the evidence to the public.

## **Investigation Report**

After the period for the parties to provide any written response as specified "Access to Evidence" has expired, the investigator will complete a written investigation report that fairly summarizes the various steps taken during the investigation, summarizes the relevant evidence collected, lists material facts on which the parties agree, and lists material facts on which the parties do not agree. When the investigation report is complete, the investigator will transmit a copy to the Title IX Coordinator. The investigator will also transmit the investigation report to each party and their advisor, in either electronic or hard copy form.

## **Adjudication Process Selection**

After the investigator has sent the investigation report to the parties, the Title IX Coordinator will transmit to each party a notice advising the party of the two different adjudication processes specified in "Adjudication." The notice will explain that the hearing process specified in "Hearing Process" is the default process for adjudicating all Formal Complaints and will be utilized unless both parties voluntarily consent to administrative adjudication as specified in "Administrative Adjudication (Optional)" as a form of informal resolution. The notice will be accompanied by a written consent to administrative adjudication and will advise each party that, if both parties execute the written consent to administrative adjudication, then the administrative adjudication process will be used in lieu of the hearing process. Parties are urged to carefully review this Policy (including the entirety of "Adjudication"), consult with their advisor, and consult with other persons as they deem appropriate (including an attorney) prior to consenting to administrative adjudication.

Each party will have three (3) days from transmittal of the notice specified in this Section to return the signed written consent form to the Title IX Coordinator. If either party does not timely return the signed written consent, that party will be deemed not to have consented to administrative adjudication and the Formal Complaint will be adjudicated pursuant to the hearing process.

## **Adjudication**

### **Hearing Process**

The default process for adjudicating Formal Complaints is the hearing process specified in this Section ("Hearing Process"). The hearing process will be used to adjudicate all Formal Complaints unless both parties' timely consent to administrative adjudication as specified in "Adjudication Process Selection."

## **Hearing Officer**

After selection of the hearing process as the form of administrative adjudication, the Title IX Coordinator will promptly appoint a hearing officer who will oversee the hearing process and render a determination of responsibility for the allegations in the Formal Complaint, at the conclusion of the hearing process. The Title IX Coordinator will see that the hearing officer is provided a copy of the investigation report and a copy of all evidence transmitted to the parties by the investigator as specified in "Access to Evidence."

## **Hearing Notice and Response to the Investigation Report**

After the hearing officer is appointed by the Title IX Coordinator, the hearing officer will promptly transmit written notice to the parties notifying the parties of the hearing officer's appointment; setting a deadline for the parties to submit any written response to the investigation report; setting a date for the pre-hearing conference; setting a date and time for the hearing; and providing a copy of the College's Hearing Procedures. Neither the pre-hearing conference, nor the hearing itself, may be held any earlier than ten (10) days from the date of transmittal of the written notice specified in this Section ("Hearing Notice and Response to the Investigation Report").

A party's written response to the investigation report must include:

- To the extent the party disagrees with the investigation report, any argument or commentary regarding such disagreement;
- Any argument that evidence should be categorically excluded from consideration at the hearing based on privilege, relevancy, the prohibition on the use of sexual history specified in "Sexual History," or for any other reason;
- A list of any witnesses that the party contends should be requested to attend the hearing pursuant to an attendance notice issued by the hearing officer;
- A list of any witnesses that the party intends to bring to the hearing without an attendance notice issued by the hearing officer;
- Any objection that the party has to the College's Hearing Procedures;
- Any request that the parties be separated physically during the pre-hearing conference and/or hearing;
- Any other accommodations that the party seeks with respect to the pre-hearing conference and/or hearing;
- The name and contact information of the advisor who will accompany the party at the pre-hearing conference and hearing;
- If the party does not have an advisor who will accompany the party at the hearing, a request that the College provide an advisor for purposes of conducting questioning as specified in "Hearing."

A party's written response to the investigation report may also include:

- Argument regarding whether any of the allegations in the Formal Complaint are supported by a preponderance of the evidence; and
- Argument regarding whether any of the allegations in the Formal Complaint constitute Sexual Harassment.

## **Pre-Hearing Conference**

Prior to the hearing, the hearing officer will conduct a pre-hearing conference with the parties and their advisors. The pre-hearing conference will be conducted live, with simultaneous and contemporaneous participation by the parties and their advisors. By default, the pre-hearing conference will be conducted with the hearing officer, the parties, the advisors, and other necessary College personnel together in the same physical location. However, upon request of either party, the parties will be separated into different rooms with technology enabling the parties to participate simultaneously and contemporaneously by video and audio.

In the hearing officer's discretion, the pre-hearing conference may be conducted virtually, by use of video and audio technology, where all participants participate simultaneously and contemporaneously by use of such technology.

During the pre-hearing conference, the hearing officer will discuss the hearing procedures with the parties; address matters raised in the parties' written responses to the investigation report, as the hearing officer deems appropriate; discuss whether any stipulations may be made to expedite the hearing; discuss the witnesses the parties have requested be served with notices of attendance and/or witnesses the parties plan to bring to the hearing without a notice of attendance; and resolve any other matters that the hearing officer determines, in the hearing officer's discretion, should be resolved before the hearing.

## **Issuance of Notices of Attendance**

After the pre-hearing conference, the hearing officer will transmit notices of attendance to any College employee (including administrator, faculty, or staff) or student whose attendance is requested at the hearing as a witness. The notice will advise the subject of the specified date and time of the hearing and advise the subject to contact the hearing officer immediately if there is a material and unavoidable conflict.

The subject of an attendance notice should notify any manager, faculty member, coach, or other supervisor, as necessary, if attendance at the hearing will conflict with job duties, classes, or other obligations. All such managers, faculty members, coaches, and other supervisors are required to excuse the subject of the obligation, or provide some other accommodation, so that the subject may attend the hearing as specified in the notice.

The College will not issue a notice of attendance to any witness who is not an employee or a student.

## **Hearing**

After the pre-hearing conference, the hearing officer will convene and conduct a hearing pursuant to the College's Hearing Procedures. The hearing will be audio recorded. The audio recording will be made available to the parties for inspection and review on reasonable notice, including for use in preparing any subsequent appeal.

The hearing will be conducted live, with simultaneous and contemporaneous participation by the parties and their advisors. By default, the hearing will be conducted with the hearing officer, the parties, the advisors, witnesses, and other necessary College personnel together in the same physical location. However, upon request of either party, the parties will be separated into different rooms with technology enabling the parties to participate simultaneously and contemporaneously by video and audio. Neither party will be compelled to testify in the physical presence of the other party.

In the hearing officer's discretion, the hearing may be conducted virtually, by use of video and audio technology, where all participants participate simultaneously and contemporaneously by use of such technology.

While the Hearing Procedures and rulings from the hearing officer will govern the particulars of the hearing, each hearing will include, at a minimum:

- Opportunity for each party to address the hearing officer directly and to respond to questions posed by the hearing officer;
- Opportunity for each party's advisor to ask directly, orally, and in real time, relevant questions, and follow up questions, of the other party and any witnesses, including questions that support or challenge credibility;
- Opportunity for each party to raise contemporaneous objections to testimonial or non-testimonial evidence and to have such objections ruled on by the hearing officer and a reason for the ruling provided;
- Opportunity for each party to submit evidence that the party did not present during the investigation due to mistake, inadvertence, surprise, or excusable neglect;
- Opportunity for each party to make a brief closing argument.

Except as otherwise permitted by the hearing officer, the hearing will be closed to all persons except the parties, their advisors, the investigator, the hearing officer, the Title IX Coordinator, and other necessary College personnel. With the exception of the investigator and the parties, witnesses will be sequestered until such time as their testimony is complete. The parties will not be permitted to question the other party directly.

During the hearing, the parties and their advisors will have access to the investigation report and evidence that was transmitted to them pursuant to "Access to Evidence."

While a party has the right to attend and participate in the hearing with an advisor, a party and/or advisor who materially and repeatedly violates the rules of the hearing in such a way as to be materially disruptive, may be barred from further participation and/or have their participation limited, as the case may be, in the discretion of the hearing officer.

Subject to the minimum requirements specified in this Section ("Hearing"), the hearing officer will have sole discretion to determine the manner and particulars of any given hearing, including with respect to the length of the hearing, the order of the hearing, and questions of admissibility. The hearing officer will independently and contemporaneously screen questions for relevance in addition to resolving any contemporaneous objections raised by the parties and will explain the rationale for any evidentiary rulings.

The hearing is not a formal judicial proceeding and strict rules of evidence do not apply. The hearing officer will have discretion to modify the Hearing Procedures, when good cause exists to do so, and provided the minimal requirements specified in this Section ("Hearing") are met.

### **Subjection to Questioning**

In the event that any party or witness refuses to attend the hearing, or attends but refuses to submit to questioning by the parties' advisors, the statements of that party or witness, as the case may be, whether given during the investigation or during the hearing, may be considered by the hearing officer in reaching a determination of responsibility.

## **Deliberation and Determination**

After the hearing is complete, the hearing officer will objectively evaluate all relevant evidence collected during the investigation, including both inculpatory and exculpatory evidence, together with testimony and non-testimony evidence received at the hearing, and ensure that any credibility determinations made are not based on a person's status as a Complainant, Respondent, or witness. The hearing officer will take care to exclude from consideration any evidence that was ruled inadmissible at the pre-hearing conference, during the hearing, or by operation of "Subjection to Questioning." The hearing officer will resolve disputed facts using a preponderance of the evidence (that is, "more likely than not") standard and reach a determination regarding whether the facts that are supported by a preponderance of the evidence constitute one or more violations of the Policy as alleged in the Formal Complaint.

## **Discipline and Remedies**

In the event the hearing officer determines that the Respondent is responsible for violating this Policy, the hearing officer will, prior to issuing a written decision, consult with an appropriate College official with disciplinary authority over the Respondent and such official will determine any discipline to be imposed. The hearing officer will also, prior to issuing a written decision, consult with the Title IX Coordinator who will determine whether and to what extent ongoing support measures or other remedies will be provided to the Complainant.

## **Written Decision**

After reaching a determination and consulting with the appropriate College official and Title IX Coordinator as required by "Discipline and Remedies," the hearing officer will prepare a written decision that will include:

- Identification of the allegations potentially constituting Sexual Harassment made in the Formal Complaint;
- A description of the procedural steps taken by the College upon receipt of the Formal Complaint, through issuance of the written decision, including notification to the parties, interviews with the parties and witnesses, site visits, methods used to gather non-testimonial evidence, and the date, location, and people who were present at or presented testimony at the hearing.
- Articulate findings of fact, made under a preponderance of the evidence standard, that support the determination;
- A statement of, and rationale for, each allegation that constitutes a separate potential incident of Sexual Harassment, including a determination regarding responsibility for each separate potential incident;
- The discipline determined by the appropriate College official as referenced in "Discipline and Remedies";
- Whether the Complainant will receive any ongoing support measures or other remedies as determined by the Title IX Coordinator; and
- A description of the College's process and grounds for appeal, as specified in "Appeal."

The hearing officer's written determination, which will include information regarding appeal rights, will be transmitted to the parties. Transmittal of the written determination to the parties concludes the hearing process, subject to any right of appeal as specified in "Appeal."

Although the length of each adjudication by hearing will vary depending on the totality of the circumstances, the College strives to issue the hearing officer's written determination within 14 days of the decision.

### **Administrative Adjudication (Optional)**

In lieu of the hearing process, the parties may consent to have a Formal Complaint resolved by administrative adjudication as a form of informal resolution. Administrative adjudication is voluntary and must be consented to in writing by both parties and approved by the Title IX Coordinator as specified in "Adjudication Process Selection." At any time prior to the issuance of the administrative officer's determination, a party has the right to withdraw from administrative adjudication and request a live hearing as specified in "Hearing Process."

If administrative adjudication is selected, the Title IX Coordinator will appoint an administrative officer. The Title IX Coordinator will see that the administrative adjudicator is provided a copy of the investigation report and a copy of all the evidence transmitted to the parties by the investigator as specified in "Access to Evidence."

The administrative officer will promptly send written notice to the parties notifying the parties of the administrative officer's appointment; setting a deadline for the parties to submit any written response to the investigation report; and setting a date and time for each party to meet with the administrative officer separately. The administrative officer's meetings with the parties will not be held any earlier than ten (10) days from the date of transmittal of the written notice specified in this paragraph.

A party's written response to the investigation report must include:

- To the extent the party disagrees with the investigation report, any argument or commentary regarding such disagreement;
- Any argument that a particular piece or class of evidence should be categorically excluded from consideration at the hearing based on privilege, relevancy, the prohibition on the use of sexual history specified in "Sexual History," or for any other reason;
- Argument regarding whether any of the allegations in the Formal Complaint are supported by a preponderance of the evidence;
- Argument regarding whether any of the allegations in the Formal Complaint constitute Sexual Harassment.

After reviewing the parties' written responses, the administrative officer will meet separately with each party to provide the party with an opportunity make any oral argument or commentary the party wishes to make and for the administrative officer to ask questions concerning the party's written response, the investigative report, and/or the evidence collected during the investigation.

After meeting with each party, the administrative officer will objectively reevaluate all relevant evidence, including both inculpatory and exculpatory evidence and ensure that any credibility determinations made are not based on a person's status as a Complainant, Respondent, or witness. The administrative officer will take care to exclude from consideration any evidence that the administrative officer determines should be ruled inadmissible based on the objections and arguments raised by the parties in their respective written responses to the investigation report. The administrative officer will resolve disputed facts using a preponderance of the evidence (that is, "more likely than not") standard and reach a determination regarding whether the facts that are supported by a preponderance of the evidence constitute one or more violations of the Policy as alleged in the Formal Complaint.

Thereafter, the administrative officer will consult with any College official and the Title IX Coordinator, in the manner specified in “Deliberation and Determination” and will prepare and transmit a written decision in the manner as specified in “Written Decision” which shall serve as a resolution for purposes of informal resolution.

Transmittal of the administrative officer’s written determination concludes the administrative adjudication, subject to any right of appeal as specified in “Appeal.”

Although the length of each administrative adjudication will vary depending on the totality of the circumstances, the College strives to issue the administrative officer’s written determination within twenty-one (21) days of the transmittal of the initiating written notice specified in this Section (“Administrative Adjudication”).

Other language in this Section notwithstanding, informal resolution will not be permitted if the Respondent is a non-student employee accused of committing Sexual Harassment against a student.

### **Dismissal During Investigation or Adjudication**

The College shall dismiss a Formal Complaint at any point during the investigation or adjudication process if the Title IX Coordinator determines that one or more of the following is true:

- The conduct alleged in the Formal Complaint would not constitute Sexual Harassment, even if proved; or
- The conduct alleged in the Formal Complaint falls outside the scope of the Policy specified in “Scope” (that is, because the alleged conduct did not occur in the College’s Education Programs and Activities and/or the alleged conduct occurred outside the geographic boundaries of the United States).

The College may dismiss a Formal Complaint at any point during the investigation or adjudication process if the Title IX Coordinator determines that any one or more of the following is true:

- The Complainant provides the Title IX Coordinator written notice that the Complainant wishes to withdraw the Formal Complaint or any discrete allegations therein (in which case those discrete allegations may be dismissed);
- The Respondent is no longer enrolled or employed by the College, as the case may be; or
- Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Formal Complaint, or any discrete allegations therein (in which case those discrete allegations may be dismissed).

In the event the Title IX Coordinator dismisses a Formal Complaint pursuant to this Section, the Title IX Coordinator will provide written notice of dismissal to the parties and advise them of their right to appeal as specified in “Appeal.” The Title IX Coordinator may refer the subject matter of the Formal Complaint to other College offices, as appropriate. A dismissal pursuant to this Section is presumptively a final determination as it pertains to this Policy, unless otherwise specified in writing by the Title IX Coordinator in the written notice of dismissal.

## Appeal

Either party may appeal the determination of an adjudication, or a dismissal of a Formal Complaint, on one or more of the following grounds:

- A procedural irregularity affected the outcome;
- There is new evidence that was not reasonably available at the time the determination or dismissal was made, that could have affected the outcome;
- The Title IX Coordinator, investigator, hearing officer, or administrative officer, as the case may be, had a conflict of interest or bias for or against complainants or respondents generally, or against the individual Complainant or Respondent, that affected the outcome.
- The sanction is disproportionate with the outcome.

No other grounds for appeal are permitted.

A party must file an appeal within seven (7) days of the date they receive notice of dismissal or determination appealed from or, if the other party appeals, within three (3) days of the other party appealing, whichever is later. The appeal must be submitted in writing to Provost, Dr. Robert Loch who serves as the appeal officer. The appeal must specifically identify the determination and/or dismissal appealed from, articulate which one or more of the three grounds for appeal are being asserted, explain in detail why the appealing party believes the appeal should be granted, and articulate what specific relief the appealing party seeks.

Promptly upon receipt of an appeal, the appeal officer will conduct an initial evaluation to confirm that the appeal is timely filed and that it invokes at least one of the permitted grounds for appeal. If the appeal officer determines that the appeal is not timely, or that it fails to invoke a permitted ground for appeal, the appeal officer will dismiss the appeal and provide written notice of the same to the parties.

If the appeal officer confirms that the appeal is timely and invokes at least one permitted ground for appeal, the appeal officer will provide written notice to the other party that an appeal has been filed and that the other party may submit a written opposition to the appeal within seven (7) days. The appeal officer shall also promptly obtain from the Title IX Coordinator any records from the investigation and adjudication necessary to resolve the grounds raised in the appeal.

Upon receipt of any opposition, or after the time period for submission of an opposition has passed without one being filed, the appeal officer will promptly decide the appeal and transmit a written decision within seven (7) days to the parties that explains the outcome of the appeal and the rationale.

The determination of a Formal Complaint, including any discipline, becomes final when the time for appeal has passed with no party filing an appeal or, if any appeal is filed, at the point when the appeal officer has resolved all appeals, either by dismissal or by transmittal of a written decision.

No further review beyond the appeal is permitted.

Although the length of each appeal will vary depending on the totality of the circumstances, the College strives to issue the appeal officer's written decision within (21) days of an appeal being filed.

## Informal Resolution

At any time after the parties are provided written notice of the Formal Complaint as specified in "Notice of Formal Complaint," and before the completion of any appeal specified in "Appeal," the parties may voluntarily consent, with the Title IX Coordinator's approval, to engage in mediation, facilitated resolution, or other form of dispute resolution the goal of which is to enter into a final resolution resolving the allegations raised in the Formal Complaint by agreement of the parties. Administrative Adjudication as specified in "Administrative Adjudication" is a form of informal resolution.

The specific manner of any informal resolution process will be determined by the parties and the Title IX Coordinator, in consultation together. Prior to commencing the informal resolution process agreed upon, the Title IX Coordinator will transmit a written notice to the parties that:

- Describes the parameters and requirements of the informal resolution process to be utilized;
- Identifies the individual responsible for facilitating the informal resolution (who may be the Title IX Coordinator, another College official, or a suitable third party);
- Explains the effect of participating in informal resolution and/or reaching a final resolution will have on a party's ability to resume the investigation and adjudication of the allegations at issue in the Formal Complaint; and
- Explains any other consequence resulting from participation in the informal resolution process, including written consent to the Title IX Coordinator, before the informal resolution may commence.

During the pendency of the informal resolution process, the investigation and adjudication process that would otherwise occur are stayed and all related deadlines are suspended. If the parties reach a resolution through the informal resolution process, and the Title IX Coordinator agrees that the resolution is not clearly unreasonable, the Title IX Coordinator will reduce the terms of the agreed resolution to writing and present the resolution to the parties for their written signature. Once both parties and the Title IX Coordinator sign the resolution, the resolution is final, and the allegations addressed by the resolution are considered resolved and will not be subject to further investigation, adjudication, remediation, or discipline by the College, except as otherwise provided in the resolution itself, absent a showing that a party induced the resolution by fraud, misrepresentation, or other misconduct or where required to avoid a manifest injustice to either party or to the College. Notwithstanding the foregoing if the form of informal resolution is Administrative Adjudication as specified in "Administrative Adjudication, there shall not be an agreed resolution requiring the parties' signatures; instead, the determination issued by the administrative officer shall serve as the resolution and conclude the formal resolution process, subject only to any right of appeal. With the exception of a resolution resulting from the Administrative Adjudication process specified in "Administrative Adjudication," all other forms of informal resolution pursuant to this Section are not subject to appeal.

A party may withdraw their consent to participate in informal resolution at any time before a resolution has been finalized.

Absent extension by the Title IX Coordinator, any informal resolution process must be completed with twenty-one (21) days. If an informal resolution process does not result in a resolution with twenty-one (21) days, and absent an extension, abeyance, or other contrary ruling by the Title IX Coordinator, the informal resolution process will be deemed terminated, and the Formal Complaint will be resolved pursuant to the investigation and adjudication procedures. The Title IX Coordinator may adjust any time periods or deadlines in the investigation and/or adjudication process that were suspended due to the informal

resolution. Other language in this Section notwithstanding, informal resolution will not be permitted if the Respondent is a non-student employee accused of committing Sexual Harassment against a student.

### **Rights of the Parties in an Institutional Proceeding:**

During the course of the process described in the previous section, both the accuser and the individual accused of the offense are entitled to:

1. A prompt, fair and impartial process from the initial investigation to the final result.
  - A prompt, fair and impartial process is one that is:
    - Completed within reasonably prompt timeframes designated by the institution's policy, including a process that allows for the extension of timeframes for good cause, with written notice to the accuser and the accused of the delay and the reason for the delay.
    - Conducted in a manner that:
      - Is consistent with the institution's policies and transparent to the accuser and the accused.
      - Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
      - Provides timely access to the accuser, the accused and appropriate officials to any information that will be used during the informal and formal disciplinary meetings and hearings.
    - Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.
2. Proceedings conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
  - Such training addresses topics such as relevant evidence and how it should be used during a proceeding, proper techniques for questioning witnesses, basic procedural rules for conducting a proceeding, and avoiding actual and perceived conflicts of interest. The Title IX Coordinator and two Title IX investigators attend training annually that is offered by Husch Blackwell, a nationally known law firm that specializes in Higher Education law.
3. The same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. The institution may not limit the choice of advisor, but may establish limits regarding the extent to which that advisor may participate in the proceeding, as long as those limits apply equally to both parties.
4. Have the outcome determined using the preponderance of the evidence standard.
5. Simultaneous, written notification of the results of the proceeding, any procedures for either party to appeal the result, any change to the result, and when the result becomes final. For this purpose, "result" means "any initial, interim and final decision by an official or entity authorized to resolve disciplinary matters" and must include the rationale for reaching the result and any sanctions imposed.

## **Possible Sanctions or Protective Measures that the College May Impose for Dating Violence, Domestic Violence, Sexual Assault or Stalking Offenses:**

Following a final determination in the institution's disciplinary proceeding that dating violence, domestic violence, sexual assault, or stalking has been committed, the institution may impose a sanction depending on the mitigating and aggravating circumstances involved. The possible sanctions include warning; reprimand; probation; restitution; fine; loss of privileges; suspension or expulsion/termination; restriction on eligibility to represent the College at any official function. If a suspension is imposed on a student, it may be for part of a semester, a full semester, or an entire academic year. An employee may be suspended for any length of time determined appropriate by the Vice President of Human Resources. Following a suspension, the individual will be required to meet with the Dean of Enrollment Management (student) or Vice President of Human Resources (employee) to discuss re-entry and expectations going forward.

In addition, the College can make available to the victim a range of protective measures. They include forbidding the accused from communicating with the victim, other institutional no-contact orders, security escorts, modifications to academic requirements or class schedules, changes in working situations, etc.

### **Publicly Available Recordkeeping:**

The College will complete any publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifiable information about victims of dating violence, domestic violence, sexual assault, and stalking who make reports of such to the College to the extent permitted by law.

### **Victims to Receive Written Notification of Rights:**

When a student or employee reports to the College that he or she has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the College will provide the student or employee a written explanation of his or her rights and options as described in the paragraphs above.

### **Sex Offender Registration Program:**

The Campus Sex Crimes Prevention Act of 2000 requires institutions of higher education to advise members of the campus community where they can obtain information provided by the state concerning registered sex offenders. It also requires sex offenders to notify the state of each institution of higher education in the state at which they are employed or enrolled or carrying on a vocation. The state is then required to notify the College of any such information it receives. Anyone interested in determining whether such persons are on this campus may do so by contacting the Dean of Enrollment Management at (319) 226-2004. State registry of sex offender information may be accessed at the following link: <http://www.iowasexoffender.com/>

# **Timely Warnings and Emergency Response**

## **Timely Warnings**

In the event of criminal activity occurring either on campus or off campus that in the judgment of the Dean of Enrollment Management, Executive Director of Business & Finance, and President constitutes a serious or continuing threat to members of the campus community, a campus-wide “timely warning” will be issued. Examples of such situations may include a sexual assault or a series of motor vehicle thefts in the area that merit a warning because they present a continuing threat to the campus community. Warnings will be communicated to students and employees via one or more of the methods discussed later in this section. Updates to the warnings will be provided as appropriate.

Anyone with information warranting a timely warning should immediately report the circumstances to:

- Dean of Enrollment Management, (319) 226-2004
- Executive Director of Business & Finance, (319) 226-2012

The College has communicated with local law enforcement asking them to notify the College if it receives reports or information warranting a timely warning.

## **Emergency Response**

The College has an emergency management plan designed to ensure there is a timely and effective response in the event of a significant emergency or dangerous situation occurring on campus involving an immediate threat to the health or safety of members of the campus community. Such situations include, but are not limited to tornadoes, bomb threats, chemical spills, disease outbreaks, fires, active shooters, etc. The College has communicated with local police requesting their cooperation in informing the College about situations reported to them that may warrant an emergency response.

Students, staff and visitors are encouraged to notify the Executive Director of Business & Finance at Executive Director of Business & Finance of any emergency or potentially dangerous situation.

The President, Executive Director of Business & Finance, and/or Dean of Enrollment Management will access available sources of information from campus administrative staff and local authorities to confirm the existence of the danger and will be responsible for initiating the institution’s response and for marshaling the appropriate local emergency response authorities for assistance. Depending on the nature of the emergency, other College departments may be involved in the confirmation process.

Once the emergency is confirmed and based on its nature, the President, Executive Director of Business & Finance, and/or Dean of Enrollment Management will consult with other appropriate College officials to determine the appropriate segment or segments of the College community to be notified.

The President, Executive Director of Business & Finance, and/or Dean of Enrollment Management, in collaboration with other appropriate personnel, will determine who should be notified, and will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

Depending on the segments of the campus the notification will target, the content of the notification may differ. When appropriate, the content of the notification will be determined in consultation with local authorities. Also, as appropriate, the notification will give guidance as to whether its recipients should shelter in place or evacuate their location.

The Executive Director of Business & Finance will direct the issuance of emergency notifications, which will be accomplished using one or more of methods discussed later in this section, depending on the nature of the threat and the segment of the campus community being threatened.

At the direction of the President, the College's Executive Director of Business & Finance will notify local law enforcement of the emergency if they are not already aware of it and local media outlets in order that the larger community outside the campus will be aware of the emergency.

### **Methods for Issuing Timely Warnings and Emergency Notifications**

The method(s) listed below may be utilized when the College issues a timely warning or emergency notification to the campus community.

<b>Method</b>	<b>Sign-Up Instructions</b>
ConnectEd Emergency Alert system: system can send phone, email and text messages	sign up for current students is through CAMS My Pulse system: login and go to edit profile where local information can be edited and is used for emergency alerts, sign up for faculty and staff is through the Business Coordinator
Broadcasting speaker through Fire alarm system	N/A

### **Testing & Documentation**

The College tests its emergency response and evacuation procedures at least once a year. The tests may be announced or unannounced. Also, at various times the Emergency Management Team will meet to train and test and evaluate the College's emergency response plan.

The Dean of Enrollment Management maintains a record of these tests and training exercises, including a description of them, the dates and times they were held and an indication of whether they were announced or unannounced. In connection with at least one such test, the College will distribute to its students and employees information to remind them of the College's emergency response and evacuation procedures.



**Hate crimes:**

**2020:** No hate crimes reported.

**2019:** No hate crimes reported.

**2018:** No hate crimes reported.

**Crimes unfounded by the College:**

**2020:** 0 unfounded crimes.

**2019:** 0 unfounded crimes.

**2018:** 0 unfounded crimes.

**Statistics for unfounded crimes provided by law enforcement agencies:**

**2020:** 0 unfounded crimes.

**2019:** 0 unfounded fondling crime.

**2018:** 1 unfounded crime.

**Data from law enforcement agencies:**

- The data above reflects statistics provided from law enforcement agencies related to crimes that occurred on the College's Clery Geography.
- Certain law enforcement agencies did not comply with the College's request for crime statistics.