

**2019 University of Dubuque  
Annual Security Report & Annual Fire Safety Report**

Resources at a Glance ..... 3

Compilation of the 2019 Annual Security Report and Annual Fire Safety Report..... 6

University of Dubuque Campus Crime Statistics Charts ..... 6

Separate Campus: University of Dubuque at Cedar Rapids, IA ..... 11

Separate Campus: University of Dubuque at Tempe, AZ..... 18

University of Dubuque Campus Safety ..... 24

    Law Enforcement and Crime Reporting..... 24

        University of Dubuque Safety and Security Department..... 24

        Crime and Emergency Reporting ..... 25

        Off-Campus Safety and Security ..... 27

    On Campus Safety and Security ..... 27

        Safety on Campus ..... 27

        Security on Campus ..... 30

            Access to and Security of University Buildings ..... 30

            Missing Student Notification for Students Living in Residence Halls..... 30

            General Crime Prevention Tips ..... 31

    Communication about Campus Crimes and Safety ..... 33

        Time Warnings ..... 33

        Emergency Notifications ..... 35

        Information about Sex Offenders ..... 37

        Crime Prevention and Security Awareness Education..... 37

Sexual Assault, Domestic Violence, Dating Violence & Stalking ..... 38

    Prevention, Awareness and Bystander Intervention ..... 40

    Bystander Intervention Programs and Risk Reduction ..... 41

    Reporting and Resources ..... 43

    Protective Orders (Restraining Order) and No Contact Directives ..... 45

    Notice of Accommodations and Confidential Resources ..... 48

    University of Dubuque and Protecting Victim Confidentiality..... 50

UD Disciplinary Procedures for Sexual Assault, Domestic Violence, Dating Violence and Stalking ..... 51

    Campus Student Conduct Procedures for Nonacademic Misconduct Including Sexual Assault, Domestic Violence, Dating Violence and Stalking..... 53

Employee Disciplinary Procedures Including Sexual Assault, Domestic Violence, Dating Violence and Stalking.....	60
State of Iowa Crime Statutes and Definitions.....	66
Sexual Harassment.....	75
University of Dubuque Alcohol and Drug Resource Information, Policy, and Laws .....	76
University of Dubuque 2019 Annual Fire Safety Report.....	92
Fire Safety Training and Education .....	97
Policies pertaining to use of portable electric appliances, smoking and open flame appliances .....	98
Policies pertaining to Fire Safety .....	100
Plans for future improvements.....	101

## Resources at a Glance

### Safety and Security

University of Dubuque Safety and Security

Emergency 911  
Non-Emergency 563.589.3333  
Smith Hall, Room 112  
2205 Grace Street  
<http://www.dbq.edu/AboutUD>

Dubuque Police Department

Emergency 911  
Non-Emergency 563.589.4415  
770 Iowa St.  
Dubuque, IA 52001

<http://www.cityofdubuque.org/209/Police>

Campus Safety Escort Services

Free walking escorts for  
Faculty/Staff/Students 563.589.3333

### Campus Offices

Dean of Students Offices

Formation 563.589.3270  
Second floor of Peters Commons  
  
Engagement & Services 563.589.3867  
306-F Heritage Center

Human Resources Office 563.589.3619  
205 Smith Hall

Residence Life 563.589.3438  
Peters Commons, Second Floor

Admissions Office 563.589.3939  
229 Charles & Romona Myers Center

Financial Planning Office 563.589.3125  
337 Charles & Romona Myers Center

International Student Services 563.589.3712  
306-F Heritage Center

Campus Counseling 563.589.3911

### Title IX Contacts

*Title IX Coordinator*

Julie MacTaggart 563.589.3619  
205 Smith Hall

*Deputy Title IX Coordinators*

Dean of Students Formation

Mike Durnin 563.589.3270  
Second Floor of Peters Commons

Dean of Students Engagement & Services

Nelson Edmonds 563.589.3867  
306-F Heritage Center

### Health Resources

The Finley/Unity Health 563.582.1881  
  
350 North Grandview Ave  
Dubuque, IA 52001

Mercy Health Center 563.589.8000  
  
250 Mercy Drive  
Dubuque, IA 52001

## Sexual Assault, Domestic Violence, Dating Violence and Stalking Resources

<http://www.dbq.edu/CampusLife/OfficeofStudentLife/CounselingLifeServices/Resources/>

### Abuse

Child/Dependent Adult Abuse/Neglect Reporting 563.557.8257  
Iowa Sexual Abuse Hotline 800.284.7821

### Domestic Violence

Waypoint Services Crisis Line 800.208.0388

### LGBTQ HELPLINE

LGBTQ Helpline 866.488.7386

### RIVERVIEW CENTER, INC. & SEXUAL ASSAULT PREVENTION & INTERVENTION SERVICES

2600 Dodge St., Dubuque, IA 563.557.0310  
705 S. Dodge St., Galena, IL 815.777.8155  
Toll Free: 888.557.0310

### IowaCASA (Iowa Coalition Against Sexual Assault)

Jocelyn Hernandez  
Legal Advocate 515.850.1922  
3030 Merle Hay Rd  
Des Moines, IA 50310  
Fax: 515-850-1900  
Email: [advocate@iowacasa.org](mailto:advocate@iowacasa.org)

## Additional Resources

### VETERANS AFFAIRS

American Red Cross 563.583.6451  
Veterans Administration 800.827.1000

### HEALTH SERVICES

City Health Services Division 563.589.4181  
County Health Department 563.557.7396  
Hospice of Dubuque 563.582.1220

Clarity Clinic Pregnancy Center  
563.556.5250

Visiting Nurse Association 563.556.6200

### HILLCREST FAMILY SERVICES

Mentor Dubuque 563.583.7357  
Outpatient Counseling 563.583.7357

WIC Program 563.557.4444  
220 W. 7th St, Dubuque

### HILLCREST FAMILY SERVICES MENTAL HEALTH CENTER

Mental Health Center 563.582.0145

SASC 563.583.1216  
Substance Use &/ Gambling Helpline

Immigration services – Iowa 515.564.4700

210 Walnut Street  
Des Moines, IA 50309  
<https://www.uscis.gov/about-us/find-uscis-office/field-offices/iowa-des-moines-field-office>

Dubuque County Attorney's 563.589-1300

720 Central Avenue  
Dubuque, IA 52004  
<https://dubuquecounty.org/>

Dear University of Dubuque Community,

We welcome the review of the 2019 Annual Security Report and Annual Fire Safety Report (ASR). Within this document you will find crime statistics as well as on-campus residential housing fires for the previous three calendar years. Additionally, there is information regarding campus safety and disciplinary policies, alcohol and drug policies, and policies that specifically address prevention of and response to sexual assault, domestic violence, dating violence and stalking. This document is provided in accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act or Clery Act, signed in 1990, is a federal statute codified at 20 U.S.C. § 1092, with implementing regulations in the U.S. Code of Federal Regulations at 34 C.F.R. 668.46.

The University of Dubuque is a safe place to live, work and study, however we do experience challenges that other similar institutions face. This ASR contains a great deal of resources to help you make informed decisions about your safety and we encourage you to tell us if you or someone you know needs help. At the University of Dubuque, we believe that safety is a shared responsibility, and that security begins by being aware of one's surroundings and reporting suspicious persons, activity, or safety concerns.

We invite you to become familiar with the University of Dubuque's safety and security policies, procedures, and programs. The University of Dubuque's Safety and Security Department is fully committed to maintaining a safe campus. The cooperation, involvement, and vigilance of students, faculty, and staff is needed to ensure that our campus remains as safe as possible.

Thank you for taking the time to review this ASR and taking part in protecting our campus community. From all of us at the University of Dubuque, we wish you a safe and successful academic year!

Sincerely,

Amy Edmonds

Coordinator of University Safety Awareness, Training and Preparation

## **Compilation of the 2019 Annual Security Report and Annual Fire Safety Report**

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act requires the distribution of an Annual Security Report and Annual Fire Safety Report to all current faculty, staff, and students and notice of its availability to prospective students, faculty, and staff. This document, referred to as the “Annual Security Report and Annual Fire Safety Report” or “ASR,” is one of many mechanisms designed to inform current and potential University of Dubuque community members of crime, arrest and referral statistics, of current crime response, reporting, prevention and awareness policies, including policies regarding sexual assault, domestic violence, dating violence and/or stalking, of campus disciplinary policies and relevant state laws, and of campus safety and security. This ASR includes crime, arrest, and referral statistics for the previous three calendar years concerning reported crimes that occurred on campus, in certain off-campus buildings or property owned or controlled by the University of Dubuque, and on public property within, or immediately adjacent to and accessible from, the campus. The Fire Report at the end the document contains current University of Dubuque Housing fire safety protocols and fire statistics for the previous three calendar years.

This report is prepared by the University of Dubuque (UD). To gather policies for this report, UD collaborated with the Deans of Student Life, Residence Life, Human Resources office, Counseling Services, Intercollegiate Athletics Department, the Title IX Coordinator(s) and other divisions and departments on campus.

Statistics are gathered through reports to the Campus Safety and Security, the Deans of Student Life, Residence Life, the Title IX Coordinator(s), and reports submitted by other Campus Security Authorities. UD also requested crime statistics from outside law enforcement agencies that may have jurisdiction over UD’s non-campus property. In August 2018, we developed UD’s Missional Accountability Work Group which collaborates in compiling the crime, arrest and referral statistics to ensure statistics are not missed or double counted. A copy of this report is disseminated to faculty, staff, and students in an e-mail sent in late September or early October of each fall semester, no later than October 1 of each year. Crimes are classified using the FBI Uniform Crime Reporting Handbook, the National Incident Based Reporting System Handbook and The Handbook for Campus Safety and Security Reporting (2016). Iowa law is used to define drug, liquor and weapons law violations, as well as incidents of domestic and dating violence.

### **University of Dubuque Campus Crime Statistics Charts**

In this chapter are statistical charts for calendar years 2016, 2017 and 2018. Starting August 2018, there have been updates to how UD tracks and reports Clery crimes that occur in and around campus. Differences in categories from year to year are explained in introductions to the charts. Differences in the statistics themselves reflect the number of crimes reported, and not necessarily a difference in the rate of crime itself. The data does not reflect prosecutions, convictions or the outcome of disciplinary actions.

Crime statistics published in this document reflect crimes that are reported to have occurred in one of four federally defined locations. Crimes that are reported to have occurred outside of the following locations are not included in this report. The four federally defined locations are:

*On-campus property* is defined as any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to campus that is owned by the institution but controlled by another person, frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

*On-campus student housing* is defined as any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus.

*Public property* is defined as all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from campus.

*Non-campus property* is defined as any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property that is owned or controlled by an institution that is used in direct support of, or in relation to, the institution’s educational purposes, is frequently used by students and is not within the same reasonably contiguous geographic area of the institution. This category includes property that is outside of Dubuque, outside of Iowa and outside of the United States.

## 2018 University of Dubuque Campus Crime Statistics

Notes on 2018 Statistics:

- Underage drinking is a civil offense in the state of Iowa, not a criminal offense, and therefore tickets issued for underage drinking are not classified as “arrests,” as per Clery Act regulations.
- In accordance with The Handbook for Campus Safety and Security Reporting (2016) and the Comments to the Final Regulations for the Violence Against Women Act (VAWA) (34 CFR Part 668, 2014), crimes committed between roommates or former roommates are not counted in “Domestic Violence” or “Dating Violence” statistics. In order to be counted as “Dating Violence” or “Domestic Violence,” “the relationship between the perpetrator and the victim must be more than two people cohabitating together. The people cohabitating together must be current or former spouses or have an intimate relationship.” (Handbook, 2016)

	On Campus Property	On-Campus Incidents that Occurred in Student Housing	Public Property	Non-Campus Property
<b>Arrests</b>				
Liquor Law Violation	0	0	0	0
Drug Law Violation	3	3	0	0
Weapons Law Violation	0	0	0	0
<b>Disciplinary Referrals</b>				
Liquor Law Violation	107	103	0	0
Drug Law Violation	46	46	0	0
Weapons Law Violation	6	5	0	0

<b>Criminal Offenses</b>				
Murder and Non-Negligent Manslaughter	0	0	0	0
Manslaughter by Negligence	0	0	0	0
Robbery	0	0	0	0
Aggravated Assault	7	6	0	0
Burglary	5	5	0	0
Motor Vehicle Theft	0	0	0	0
Arson	1	1	0	0
<b>Sexual Assault (Sex Offenses)</b>				
Rape	1	1	0	0
Fondling	2	2	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
<b>VAWA Offenses</b>				
Domestic Violence	1	0	0	0
Dating violence	5	5	0	0
Stalking	5	4	0	0

**Hate Crimes**

In **2018**, there were two (2) hate crime reported that qualified for inclusion in this report:

- 1 intimidation motivated by bias against race occurred on on-campus property in student housing
- 1 intimidation motivated by bias against race occurred on on-campus property in student housing

**Unfounded Crimes**

UD Safety and Security team are non-sworn officers therefore cannot unfound crimes.

There were no reported unfounded crimes from our domestic/international non-campus properties.

**2017 University of Dubuque Campus Crime Statistics**

Notes on 2017 statistics:

- Underage drinking is a civil offense in the state of Iowa, not a criminal offense, and therefore tickets issued for underage drinking are not classified as “arrests,” as per Clery Act regulations.
- In accordance with The Handbook for Campus Safety and Security Reporting (2016) and the Comments to the Final Regulations for the Violence Against Women Act (VAWA) (34 CFR Part 668, 2014), crimes committed between roommates or former roommates are not counted in “Domestic Violence” or “Dating Violence” statistics. In order to be counted as “Dating Violence” or “Domestic Violence,” “the relationship between the perpetrator and the victim must be more than two people cohabitating together. The people cohabitating together must be current or former spouses or have an intimate relationship.” (Handbook, 2016)

	On Campus Property	On-Campus Incidents that Occurred in Student Housing	Public Property	Non-Campus Property
<b>Arrests</b>				
Liquor Law Violation	0	0	0	0
Drug Law Violation	1	1	0	0
Weapons Law Violation	0	0	0	0
<b>Disciplinary Referrals</b>				
Liquor Law Violation	87	83	0	0
Drug Law Violation	63	56	0	0
Weapons Law Violation	3	2	0	0
<b>Criminal Offenses</b>				
Murder and Non-Negligent Manslaughter	0	0	0	0
Manslaughter by Negligence	0	0	0	0
Robbery	1	1	0	0
Aggravated Assault	8	4	0	1
Burglary	1	1	0	0
Motor Vehicle Theft	0	0	0	0
Arson	2	2	0	0
<b>Sexual Assault (Sex Offenses)</b>				
Rape	1	1	0	0
Fondling	2	1	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
<b>VAWA Offenses</b>				
Domestic Violence	0	0	0	0
Dating violence	4	4	0	1
Stalking	2	1	0	0

**Hate Crimes**

In **2017**, there was one (1) hate crime reported that qualified for inclusion in this report:

1. 1 intimidation motivated by bias against race occurred on on-campus property in student housing

**Unfounded Crimes**

UD Safety and Security team are non-sworn officers therefore cannot unfound crimes.

There were no reported unfounded crimes from our domestic/international non-campus properties.

**2016 University of Dubuque Campus Crime Statistics**

Notes on 2016 Statistics:

- Underage drinking is a civil offense in the state of Iowa, not a criminal offense, and therefore tickets issued for underage drinking are not classified as “arrests,” as per Clery Act regulations.

- In accordance with The Handbook for Campus Safety and Security Reporting (2016) and the Comments to the Final Regulations for the Violence Against Women Act (VAWA) (34 CFR Part 668, 2014), crimes committed between roommates or former roommates are not counted in “Domestic Violence” or “Dating Violence” statistics. In order to be counted as “Dating Violence” or “Domestic Violence,” “the relationship between the perpetrator and the victim must be more than two people cohabitating together. The people cohabitating together must be current or former spouses or have an intimate relationship.” (Handbook, 2016)

	On Campus Property	On-Campus Incidents that Occurred in Student Housing	Public Property	Non-Campus Property
<b>Arrests</b>				
Liquor Law Violation	3	2	0	0
Drug Law Violation	2	1	0	0
Weapons Law Violation	0	0	0	0
<b>Disciplinary Referrals</b>				
Liquor Law Violation	126	125	0	0
Drug Law Violation	51	50	0	1
Weapons Law Violation	7	6	0	0
<b>Criminal Offenses</b>				
Murder and Non-Negligent Manslaughter	0	0	0	0
Manslaughter by Negligence	0	0	0	0
Robbery	1	0	1	0
Aggravated Assault	4	2	0	0
Burglary	11	11	0	0
Motor Vehicle Theft	0	0	0	0
Arson	0	0	0	0
<b>Sexual Assault (Sex Offenses)</b>				
Rape	1	0	0	0
Fondling	0	0	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
<b>VAWA Offenses</b>				
Domestic Violence	0	0	0	0
Dating violence	6	5	0	0
Stalking	2	2	0	0

#### Hate Crimes

In **2016**, there were two (2) hate crime reported that qualified for inclusion in this report:

1. 1 intimidation motivated by bias against race occurred on on-campus property
2. 1 intimidation motivated by bias against gender identity occurred on on-campus property

#### Unfounded Crimes

UD Safety and Security team are non-sworn officers therefore cannot unfound crimes.  
There were no reported unfounded crimes from our domestic/international non-campus properties.

## **Separate Campus: University of Dubuque at Cedar Rapids, IA**

### **Overview**

The University of Dubuque has designed the programs of the Learning Institute for Fulfillment and Engagement (LIFE) specifically for adult learners who are at least age 23 years of age and who have three or more years of work experience. LIFE's accelerated, evening bachelor's and graduate degree programs and services - available during the hours you need them - help you balance your studies, your career, and your family life. Our 5-week course format allows you to begin classes at one of nine different points throughout the academic year.

### **Classroom and Office Space**

University of Dubuque does not own or control any buildings at UD-Cedar Rapids, IA. Rather UD uses classrooms and an office space for administration located at 296 Blairs Ferry Rd NE, Cedar Rapids, IA. Courses are offered on weekday evenings, Monday through Thursday. Classes meet face –to-face once per week for three hours. Students take one five-week course per session, with nine sessions offered year round. UD does not control the building itself.

### **Program Specific Polices and Statements**

#### *Compilation of Annual Security Report*

The University of Dubuque requests statistics from Cedar Rapids, IA, Cedar Rapids Police Department located at 505 First Street SW, Cedar Rapids, IA.

There is no reportable on-campus residential housing or non-campus property affiliated with this program.

#### *Safety and Security*

UD provides security services for this program specific to controlling the ID card access, and door entry access. There are no on or off-campus UD registered student organizations at the program at Cedar Rapids, IA.

#### *Crime and Emergency Reporting*

In addition to reporting crimes to the offices listed below, UD staff and students can report crimes to the law enforcement agency with jurisdiction over the space this program occupies: Cedar Rapids Police Department.

Students and employees should report criminal offenses to any of the following for the purpose of making a timely warning report and for the annual statistical disclosure:

Site Director  
Todd Rogers  
[TRogers@dbq.edu](mailto:TRogers@dbq.edu)  
319-640-0548

Academic Advisor  
Karen Middleswarth  
[KMiddleswarth@dbq.edu](mailto:KMiddleswarth@dbq.edu)  
319-775-0204

UD Safety and Security  
563-589-3333 (non-emergent)  
911 (emergencies)  
Smith Hall  
2205 Grace Street, Dubuque, IA

For immediate law enforcement and emergency response purposes, including sexual assault, domestic violence, dating violence and stalking, program students and employees should report crimes to UD Safety and Security and/or Cedar Rapids Police Department. Reporting to Cedar Rapids Police Department will enable them to do their own evaluation regarding a response. UD does not have any confidential resources at this location and UD does not employ any professional or pastoral counselors at Cedar Rapids.

Cedar Rapids Police Department  
911 (emergencies)  
319-286-5375 (non-emergent)  
505 First Street SW, Cedar Rapids, IA

#### *Timely Warning Policy and Procedure*

Timely Warnings are known as Spartan Warnings at the University of Dubuque and are issued to the students and employees upon notice of a Clery crime on Clery geography that presents a serious and ongoing threat to the students and employees at Cedar Rapids. Our timely warning team will evaluate the threat and decide if a Spartan Warnings needs to be sent to our campus community as well as our Cedar Rapids/Tempe locations. The warning will be sent via email to students and employees. In the event email is not available, the warning may also be sent via social media or other available means. Our separate campuses do not have public property therefore UD will not issue any warnings for incidents beyond the designated boundaries. Students and employees all have a UD email address that will communicate safety and security issues.

#### *Emergency Response and Evacuation Policy and Procedure*

At the University of Dubuque, emergency notifications are called UD Alerts. Upon notice to Campus Security that there may be a significant emergency threatening the students and employees at Cedar Rapids, UD Security will reach out to the local jurisdiction to attempt to confirm the significant emergency or dangerous situation involving an immediate threat to the health or safety of the students and employees at Cedar Rapids. Upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the director of UD security or designee will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless the notification will, in the professional judgment of Campus security, compromise efforts to assist a victim or contain, respond or otherwise mitigate the emergency. Notifications will be sent to students and employees via email. Text messages may also be used for those registered in the system. The content of the notification will be developed by the committee or designee based on the type of emergency. UD does not have procedures or mechanisms to disseminate information to the larger Cedar Rapids community.

In 2019, UD Campus Safety/Security will create an Occupant Emergency Plan for the students and employees at Cedar Rapids. The Cedar Rapids location has posted floor plans on the walls specific to that area with designated exit paths specific to that space. However, UD does not control the building that houses the program. Building evacuation policy is determined by the lease with Corridor Management and evacuation procedures are as follows: evacuate when an alarm sounds or upon notice from onsite staff or the building coordinator; leave through the nearest marked exit and alert others to do the same; assist disabled people in exiting; this location does not have elevators; stay at least 500 feet from the building; do not return to the building unless told to do so by emergency personnel.

#### *Crime Prevention and Awareness Programming*

All pertinent information regarding this location can be found in the LIFE student handbook. This handbook is reviewed during an orientation session (one-on-one with their admission representative) and posted on every LIFE class in the LMS (Moodle system). New instructors receive a one-on-one orientation and it is in their provided handbook.

#### *Drug and Alcohol Policies*

UD students at the program located at Cedar Rapids are subject to the laws and policies described in the LIFE student handbook and posted on every LIFE class in the LMS (Moodle system). All UD drug and alcohol resources are available to all UD students and employees who are participating in the program at Cedar Rapids. They are also expected to comply with all of Cedar Rapids location policies. UD students and employees who participate in the program at Cedar Rapids may access UD's Counseling services.

#### *Obtaining a Restraining Order*

No contact directives between students and/or employees participating in the program at Cedar Rapids are issued in the manner described in the main campus student handbook/Title IX policy. To obtain a court-ordered restraining order, students and staff should contact the Cedar Rapids Police Department. UD will enforce restraining orders at the Cedar Rapids program to the extent possible, however, UD does not control the buildings where classes and offices are located. Students or staff with restraining orders should notify Cedar Rapids Police Department, for full enforcement.

Detailed information on requesting a protective order or restraining order can be found here for domestic abuse, harassment, child abuse, etc.:

[www.iowaattorneygeneral.gov/for-crime-victims/iponda/](http://www.iowaattorneygeneral.gov/for-crime-victims/iponda/)

#### *Information about Sex Offenders*

Though not affiliated with UD, information provided by the state of Iowa concerning registered sex offenders enrolled, employed or volunteering at Cedar Rapids can be found here:

<http://www.iowasexoffender.com/>

<https://www.linncounty.org/344/Sex-Offender-Registry>

### *Resources for Sexual Assault, Domestic Violence, Dating Violence and/or Stalking*

The resources provided by Cedar Rapids Police Department can be found here:

[http://www.cedar-rapids.org/local\\_government/departments\\_g\\_v/police/victim\\_witness\\_resources.php](http://www.cedar-rapids.org/local_government/departments_g_v/police/victim_witness_resources.php)

The following are available resources for victims and witnesses:

**Cedar Valley Friends of the Family** - provides safe shelter, confidential services, and housing assistance to individuals in crisis due to homelessness, domestic violence and sexual assault.

Cedar Valley Friends of the Family 24-hour Crisis Line: [800-410-7233](tel:800-410-7233) or [319-352-0037](tel:319-352-0037)

**Deaf Iowans Against Abuse** - DIAA provides support services to help Deaf victims and their families deal with the trauma of Domestic Violence, Sexual Assault, Teen Dating Violence, Bullying, and/or Stalking. All services are free and confidential.

DIAA has a 24/7 crisis hotline: V/VP: [319-531-7719](tel:319-531-7719) or Text only: [515-661-4015](tel:515-661-4015)

Email: [help@diaaiowa.org](mailto:help@diaaiowa.org)

**Iowa Protective Order Notification for Domestic Abuse (IPONDA)** - a free and confidential telephone service that provides petitioners two important features: information and notification.

IPONDA provides victims of domestic violence, stalking, harassment, and sexual assault access to timely and reliable information about the service status of their protective order or no-contact order.

Victims can receive automated notification 24 hours a day, 7 days a week and 365 days a year by telephone, the Internet, or email. By telephone, victims can always contact a live operator who is trained in victim services by calling [888-742-8463](tel:888-742-8463).

**Waypoint Services** - Waypoint Services has a mission to strengthen and empower individuals who are homeless, living in poverty, or victims of domestic violence; and give children access to gaining the essential skills vital to reaching their full potential through quality child care.

Waypoint Services 24/7 Support Line: [319-363-2093](tel:319-363-2093) or [800-208-0388](tel:800-208-0388)

### **2018 Separate Campus: University of Dubuque at Cedar Rapids, IA Crime Statistics**

Notes on 2018 statistics:

- Underage drinking is a civil offense in the state of Iowa, not a criminal offense, and therefore tickets issued for underage drinking are not classified as “arrests,” as per Clery Act regulations.
- In accordance with The Handbook for Campus Safety and Security Reporting (2016) and the Comments to the Final Regulations for the Violence Against Women Act (VAWA) (34 CFR Part 668, 2014), crimes committed between roommates or former roommates are not counted in “Domestic Violence” or “Dating Violence” statistics. In order to be counted as “Dating Violence” or “Domestic Violence,” “the relationship between the perpetrator and the victim must be more than two people cohabitating together. The people cohabitating together must be current or former spouses or have an intimate relationship.” (Handbook, 2016)

	On Campus Property	On-Campus Incidents that Occurred in Student Housing	Public Property	Non-Campus Property
<b>Arrests</b>				
Liquor Law Violation	0	0	0	0
Drug Law Violation	0	0	0	0
Weapons Law Violation	0	0	0	0
<b>Disciplinary Referrals</b>				
Liquor Law Violation	0	0	0	0
Drug Law Violation	0	0	0	0
Weapons Law Violation	0	0	0	0
<b>Criminal Offenses</b>				
Murder and Non-Negligent Manslaughter	0	0	0	0
Manslaughter by Negligence	0	0	0	0
Robbery	0	0	0	0
Aggravated Assault	0	0	0	0
Burglary	0	0	0	0
Motor Vehicle Theft	0	0	0	0
Arson	0	0	0	0
<b>Sexual Assault (Sex Offenses)</b>				
Rape	0	0	0	0
Fondling	0	0	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
<b>VAWA Offenses</b>				
Domestic Violence	0	0	0	0
Dating violence	0	0	0	0
Stalking	0	0	0	0

**Hate Crimes**

In **2018**, there were zero (0) hate crime reported that qualified for inclusion in this report:

**Unfounded Crimes**

UD Safety and Security team are non-sworn officers therefore cannot unfound crimes.

There were no reported unfounded crimes from our domestic/international non-campus properties.

**2017 Separate Campus: University of Dubuque at Cedar Rapids, IA Crime Statistics**

Notes on 2017 Statistics:

- Underage drinking is a civil offense in the state of Iowa, not a criminal offense, and therefore tickets issued for underage drinking are not classified as “arrests,” as per Clery Act regulations.

- In accordance with The Handbook for Campus Safety and Security Reporting (2016) and the Comments to the Final Regulations for the Violence Against Women Act (VAWA) (34 CFR Part 668, 2014), crimes committed between roommates or former roommates are not counted in “Domestic Violence” or “Dating Violence” statistics. In order to be counted as “Dating Violence” or “Domestic Violence,” “the relationship between the perpetrator and the victim must be more than two people cohabitating together. The people cohabitating together must be current or former spouses or have an intimate relationship.” (Handbook, 2016)

	On Campus Property	On-Campus Incidents that Occurred in Student Housing	Public Property	Non-Campus Property
<b>Arrests</b>				
Liquor Law Violation	0	0	0	0
Drug Law Violation	0	0	0	0
Weapons Law Violation	0	0	0	0
<b>Disciplinary Referrals</b>				
Liquor Law Violation	0	0	0	0
Drug Law Violation	0	0	0	0
Weapons Law Violation	0	0	0	0
<b>Criminal Offenses</b>				
Murder and Non-Negligent Manslaughter	0	0	0	0
Manslaughter by Negligence	0	0	0	0
Robbery	0	0	0	0
Aggravated Assault	0	0	0	0
Burglary	0	0	0	0
Motor Vehicle Theft	0	0	0	0
Arson	0	0	0	0
<b>Sexual Assault (Sex Offenses)</b>				
Rape	0	0	0	0
Fondling	0	0	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
<b>VAWA Offenses</b>				
Domestic Violence	0	0	0	0
Dating violence	0	0	0	0
Stalking	0	0	0	0

#### Hate Crimes

In **2017**, there were zero (0) hate crime reported that qualified for inclusion in this report:

#### Unfounded Crimes

UD Safety and Security team are non-sworn officers therefore cannot unfound crimes.

There were no reported unfounded crimes from our domestic/international non-campus properties.

**2016 Separate Campus: University of Dubuque at Cedar Rapids, IA Crime Statistics**

Notes on 2016 Statistics:

- Underage drinking is a civil offense in the state of Iowa, not a criminal offense, and therefore tickets issued for underage drinking are not classified as “arrests,” as per Clery Act regulations.
- In accordance with The Handbook for Campus Safety and Security Reporting (2016) and the Comments to the Final Regulations for the Violence Against Women Act (VAWA) (34 CFR Part 668, 2014), crimes committed between roommates or former roommates are not counted in “Domestic Violence” or “Dating Violence” statistics. In order to be counted as “Dating Violence” or “Domestic Violence,” “the relationship between the perpetrator and the victim must be more than two people cohabitating together. The people cohabitating together must be current or former spouses or have an intimate relationship.” (Handbook, 2016)

	On Campus Property	On-Campus Incidents that Occurred in Student Housing	Public Property	Non-Campus Property
<b>Arrests</b>				
Liquor Law Violation	0	0	0	0
Drug Law Violation	0	0	0	0
Weapons Law Violation	0	0	0	0
<b>Disciplinary Referrals</b>				
Liquor Law Violation	0	0	0	0
Drug Law Violation	0	0	0	0
Weapons Law Violation	0	0	0	0
<b>Criminal Offenses</b>				
Murder and Non-Negligent Manslaughter	0	0	0	0
Manslaughter by Negligence	0	0	0	0
Robbery	0	0	0	0
Aggravated Assault	0	0	0	0
Burglary	0	0	0	0
Motor Vehicle Theft	0	0	0	0
Arson	0	0	0	0
<b>Sexual Assault (Sex Offenses)</b>				
Rape	0	0	0	0
Fondling	0	0	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
<b>VAWA Offenses</b>				
Domestic Violence	0	0	0	0
Dating violence	0	0	0	0
Stalking	0	0	0	0

## Hate Crimes

In **2016**, there were zero (0) hate crime reported that qualified for inclusion in this report:

## Unfounded Crimes

UD Safety and Security team are non-sworn officers therefore cannot unfound crimes.

There were no reported unfounded crimes from our domestic/international non-campus properties.

## **Separate Campus: University of Dubuque at Tempe, AZ**

### **Overview**

The University of Dubuque has designed the programs of the Learning Institute for Fulfillment and Engagement (LIFE) specifically for adult learners who are at least age 23 years of age and who have three or more years of work experience. LIFE's accelerated, evening bachelor's and MBA degree programs and services - available during the hours you need them - help you balance your studies, your career, and your family life. Our 5-week course format allows you to begin classes when you choose. UD started the Tempe, AZ LIFE program on September 24, 2017.

### **Classroom and Office Space**

University of Dubuque does not own or control any buildings at UD-Tempe, AZ. Rather UD uses classrooms and an office space for administration located at 2900 S Diablo Way, Building D, Suite D281, Tempe, AZ. Courses are offered on weekday evenings, Monday through Thursday. Classes meet face – to-face once per week for three hours. Students take one five-week course per session, with nine sessions offered year round. UD does not control the building itself.

### **Program Specific Polices and Statements**

#### *Compilation of Annual Security Report*

The University of Dubuque requests statistics from Tempe, AZ local jurisdiction, Tempe Police Department, 120 East 5<sup>th</sup> Street, Tempe, AZ 85281. There is no reportable on-campus residential housing or non-campus property affiliated with this program.

#### *Safety and Security*

UD does not provide security services for this program however the property does fall within the Tempe Police Department. UD does not have control over the practices or policies of the Tempe Police Department. There are no on or off-campus UD registered student organizations at the program at Tempe, AZ.

UD does control access to or security of the buildings where the classes take place or where the employees have office space. UD does not build, maintain or have authority over any Tempe, AZ facilities.

#### *Crime and Emergency Reporting*

In addition to reporting crimes to the offices listed below, UD staff and students can report crimes to the law enforcement agency with jurisdiction over the space this program occupies: Tempe Police Department.

Students and employees should report criminal offenses to any of the following for the purpose of making a timely warning report and for the annual statistical disclosure:

Director of Admission:

Robert Zavala

[RZavala@dbq.edu](mailto:RZavala@dbq.edu)

480-387-6914

Academic Advisor:

Heidi Burks

[HBurks@dbq.edu](mailto:HBurks@dbq.edu)

480-718-7500

UD Safety and Security at Dubuque, IA:

563-589-3333 (non-emergent)

911 (emergencies)

Smith Hall

2205 Grace Street, Dubuque, IA

For immediate law enforcement and emergency response purposes, including sexual assault, domestic violence, dating violence and stalking, program students and employees should report crimes to UD Safety and Security and/or Tempe Police Department. Reporting to Tempe Police Department will enable them to do their own evaluation regarding a response. UD does not have any confidential resources at this location and UD does not employ any professional or pastoral counselors at Tempe, AZ. Rather all students and employees have access to the main UD campus. Our Tempe, AZ campus is also very close to the border of Phoenix.

Tempe Police Department  
Emergency dial 911  
480-350-8311 (non-emergency)  
120 East 5<sup>th</sup> Street  
Tempe, AZ 85281

Phoenix Police Department  
Central City Precinct Station  
Emergency dial 911  
602-262-6151 (non-emergency)  
1902 South 16<sup>th</sup> Street, Phoenix, AZ 85034

#### *Timely Warning Policy and Procedure*

Timely Warnings are known as Spartan Warnings at the University of Dubuque and are issued to the students and employees upon notice of a Clery crime on Clery geography that presents a serious and ongoing threat to the students and employees at Tempe. Our timely warning team will evaluate the threat and decide if a Spartan Warnings need to be sent to our campus community as well as our Tempe location. The warning will be sent via email to students and employees. In the event email is not available, the warning may also be sent via social media or other available means. Our separate campuses do not have public property therefore UD will not issue any warnings for incidents beyond the designated boundaries. Students and employees all have UD email addresses that will communicate safety and security issues.

#### *Emergency Response and Evacuation Policy and Procedure*

At the University of Dubuque, emergency notifications are called UD Alerts. Upon notice to Campus Security that there may be a significant emergency threatening the students and employees at Tempe, UD Security will reach to the local jurisdiction to attempt to confirm the significant emergency or dangerous situation involving an immediate threat to the health or safety of the students and employees at Tempe. Upon confirmation of a significant emergency or dangerous situation involving an

immediate threat to the director of UD security or designee will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless the notification will, in the professional judgment of Campus security, compromise efforts to assist a victim or contain, respond or otherwise mitigate the emergency. Notifications will be sent to students and employees via email. Text messages may also be used for those registered in the system. The content of the notification will be developed by the committee or designee based on the type of emergency. UD does not have procedures or mechanisms to disseminate information to the larger Tempe community.

In 2019, UD Campus Safety/Security will create an Occupant Emergency Plan for the students and employees at Tempe. However, UD does not control the building that houses the program. Building evacuation policy is determined by the lease company, Muller Company and evacuation procedures are as follows: evacuate when an alarm sounds or upon notice from the on-site property management team or the building coordinator; leave through the nearest marked exit and alert other to do the same; assist disabled people in exiting; do not use elevators; stay at least 500 feet from the building; do not return to the building unless told to do so by emergency personnel.

#### *Crime Prevention and Awareness Programming*

All pertinent information regarding this location can be found in the LIFE student handbook. This handbook is reviewed during an orientation session (one-on-one with their admission representative) and posted on every LIFE class in the LMS (Moodle system). New instructors receive a one-on-one orientation and it is in their provided handbook.

#### *Drug and Alcohol Policies*

UD students at the program located at Tempe are subject to the laws and policies described in the LIFE student handbook and posted on every LIFE class in the LMS (Moodle system). All UD drug and alcohol resources are available to UD students and employees who are participating in the program at Tempe. They are also expected to comply with all of Tempe location policies. UD students and employees who participate in the program at Tempe may access UD's Counseling services.

#### *Obtaining a Restraining Order*

No contact directives between students and/or employees participating in the program at Tempe, AZ are issued in the manner described in the main campus student handbook/Title IX policy. To obtain a court-ordered restraining order, students and staff should contact the Tempe City Court. UD will enforce restraining orders at the Tempe program to the extent possible, however, UD does not control the buildings where classes and offices are located. Students or staff with restraining orders should notify Tempe Police Department, for full enforcement.

Detailed information on requesting a protective order or restraining order can be found here for domestic abuse, harassment, child abuse, etc.:

<https://www.tempe.gov/city-hall/city-court/protective-orders>

### *Information about Sex Offenders*

Though not affiliated with UD, information provided by the state of Arizona concerning registered sex offenders enrolled, employed or volunteering at Tempe can be found here:

Arizona Sex Offender Registration/Notification information -

[http://www.azdps.gov/Services/Sex\\_Offender/](http://www.azdps.gov/Services/Sex_Offender/)

Tempe Police OffenderWatch - [http://www.sheriffalerts.com/cap\\_main.php?office=55295](http://www.sheriffalerts.com/cap_main.php?office=55295)

### *Resources for Sexual Assault, Domestic Violence, Dating Violence and/or Stalking*

The resources provided by Tempe Police Department can be found here:

<https://www.tempe.gov/city-hall/police/divisions-organization-overview/investigations-division/special-victims-unit>

### Resources for Victims of Sexual Assault & Sexual Violence

- Tempe Care7 Crisis Response Team - <http://www.tempe.gov/index.aspx?page=2313>
- La Frontera-EMPACT Crisis/Advocacy/Counseling /Victim Support <http://www.lafronteraarizona.org/>
- National Sexual Violence Resource Center - <http://www.nsvrc.org/>
- Rape, Abuse & Incest National Network - <http://www.rainn.org/>
- RAINN (Recursos Victima en Español) - <https://ohl.rainn.org/es/>
- Sex Assault Awareness Month Resources (en Español) <http://www.nsvrc.org/es/saam/recursos-en-espanol>
- Arizona Department of Public Safety Victim Services and Reference Information [http://www.azdps.gov/Services/Crime\\_Victims/](http://www.azdps.gov/Services/Crime_Victims/)
- National Center Victims of Crime - <http://www.victimsofcrime.org/home>
- Polaris Project - National Human Trafficking Resource Center - <http://www.polarisproject.org/index.php>
- National Institute of Justice - <http://www.nij.gov/Pages/welcome.aspx>
- National Victim Resources and Awareness Education - <http://www.womenslaw.org/index.php>
- Local Victim Resources for Human Trafficking/Child Sexual Exploitation Victims - <http://streetlightusa.org>
- Child/Adult Sex Trafficking Awareness and Information - <http://sharedhope.org>
- End Sex Trafficking Arizona- <http://endsextrafficking.az.gov/>
- Center for Disease Control Sexual Violence Information <http://www.cdc.gov/ViolencePrevention/sexualviolence/index.html>
- It's On Us- Campaign to recognize that non-consensual sex is sexual assault. <http://itsonus.org/#videos>

**2018 Separate Campus: University of Dubuque at Tempe, AZ Crime Statistics**

Notes on 2018 statistics as of September 24, 2017 (date that classes were first offered):

- Underage drinking is a civil offense in the state of Arizona, not a criminal offense, and therefore tickets issued for underage drinking are not classified as “arrests,” as per Clery Act regulations.
- In accordance with The Handbook for Campus Safety and Security Reporting (2016) and the Comments to the Final Regulations for the Violence Against Women Act (VAWA) (34 CFR Part 668, 2014), crimes committed between roommates or former roommates are not counted in “Domestic Violence” or “Dating Violence” statistics. In order to be counted as “Dating Violence” or “Domestic Violence,” “the relationship between the perpetrator and the victim must be more than two people cohabitating together. The people cohabitating together must be current or former spouses or have an intimate relationship.” (Handbook, 2016)

	On Campus Property	On-Campus Incidents that Occurred in Student Housing	Public Property	Non-Campus Property
<b>Arrests</b>				
Liquor Law Violation	0	0	0	0
Drug Law Violation	0	0	0	0
Weapons Law Violation	0	0	0	0
<b>Disciplinary Referrals</b>				
Liquor Law Violation	0	0	0	0
Drug Law Violation	0	0	0	0
Weapons Law Violation	0	0	0	0
<b>Criminal Offenses</b>				
Murder and Non-Negligent Manslaughter	0	0	0	0
Manslaughter by Negligence	0	0	0	0
Robbery	0	0	0	0
Aggravated Assault	0	0	0	0
Burglary	0	0	0	0
Motor Vehicle Theft	0	0	0	0
Arson	0	0	0	0
<b>Sexual Assault (Sex Offenses)</b>				
Rape	0	0	0	0
Fondling	0	0	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
<b>VAWA Offenses</b>				
Domestic Violence	0	0	0	0
Dating violence	0	0	0	0
Stalking	0	0	0	0

## Hate Crimes

In **2018**, there were zero (0) hate crime reported that qualified for inclusion in this report:

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Drug Law Violation	0	0	0	0
Weapons Law Violation	0	0	0	0
<b>Disciplinary Referrals</b>				
Liquor Law Violation	0	0	0	0
Drug Law Violation	0	0	0	0
Weapons Law Violation	0	0	0	0
<b>Criminal Offenses</b>				
Murder and Non-Negligent Manslaughter	0	0	0	0
Manslaughter by Negligence	0	0	0	0
Robbery	0	0	0	0
Aggravated Assault	0	0	0	0
Burglary	0	0	0	0
Motor Vehicle Theft	0	0	0	0
Arson	0	0	0	0
<b>Sexual Assault (Sex Offenses)</b>				
Rape	0	0	0	0

Fondling	0	0	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
<b>VAWA Offenses</b>				
Domestic Violence	0	0	0	0
Dating violence	0	0	0	0
Stalking	0	0	0	0

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### University of Dubuque Campus Safety

In the Campus Safety chapter, you will find information on policies for safety and security on campus, general crime reporting, access to campus facilities, missing students, communication about emergencies and information about the various units and teams that help keep University of Dubuque safe.

#### Law Enforcement and Crime Reporting

##### *University of Dubuque Safety and Security Department*

The University of Dubuque's Safety and Security Department's mission is to promote and maintain a safe and secure campus environment for the University community of students, faculty, and staff. The Safety and Security Department at the University of Dubuque provides for the safety and security of students, staff, faculty, visitors, and University property 24 hours-a-day, 365 days-a-year. The Safety and Security Office is located in Smith Hall, Room 112, at 2205 Grace Street. Regular office hours are 7:00 a.m. to 5:00 p.m. Monday through Friday. If after hours aid is needed, call on the red phone located on the wall outside of the Security Office and the officer on duty will assist you.

As part of our efforts to promote and maintain a safe and secure campus environment, University Security Officers provide a regular program of prevention services including:

- Conducting routine foot and mobile patrols of campus grounds and monitoring campus environment
- Enforcing campus rules/regulations and issuing parking tickets
- Working with local law enforcement agencies to exchange information and to assist in incidents involving the University community on or off campus
- Responding to calls, disturbances, emergencies, and accidents
- Opening and closing buildings
- Providing crime prevention training programs
- Providing specialized security services for University events

- Providing 24 hours-a-day escorts
- Speaking at meetings on topics of safety and security

Although not certified law enforcement officers, Security Officers do receive training on campus safety, basic first aid/CPR, and receive continual in-house training to upgrade and professionalize their skills. The Safety and Security Department is the law enforcement authority on the University of Dubuque campus.

*Crime and Emergency Reporting*

Crimes and emergencies that occur on campus should be reported to the Camps Security and Safety office by dialing:

Emergency:	Non-emergency:
On Campus: 3333 (or 563.589.3333)	UD Safety and Security Department: 563.589.3333
Police: 911	Dubuque Police Department: 563.589.4415
Fire: 911	Dubuque Fire: 563.589.4160
Ambulance: 911	Dubuque Rescue: 563.582.4980

or by visiting the Campus Safety and Security Department at Smith Hall, Room 112, at 2205 Grace Street, Dubuque, IA 52001. For the purpose of a making a timely warning evaluation and for potential inclusion of a crime statistic in the Annual Security and Fire Safety Report, criminal offenses should be reported to Campus Safety and Security, the Dean of Students Office, or the Title IX Coordinator. Campus Safety and Security strongly encourages people to report crimes so that they may be evaluated for a timely warning.

Crimes that occur off campus can be reported to the Dubuque Police Department via the non-emergency number 563.589.4415, by calling 911 from an off-campus location within Dubuque, or by going to the department at 770 Iowa Street, Dubuque, IA 52001. UD encourages all campus community members to accurately and promptly report all crimes to Campus Security and Safety department or, if off-campus, to the Dubuque Police Department.

Crimes/violations of the student code of conduct should be reported to the Dean of Students Office or the Title IX Coordinator to seek assistance or to begin a code of conduct investigation. The Dean of Students Formation Office (includes Residence Life) can be contacted at second floor of Peters Commons, just above the Jack & Barbara Smeltzer Cafeteria at 563.589.3270, while the Dean of Student Engagement & Services is located on the third floor of the Heritage Center in the Susan McGill Smith Suite at 563.589.3867. The Title IX Coordinator can be contacted at 205 Smith Hall at 563.589.3619. If requested, the Dean of Students Office or the Title IX Coordinator will provide assistance in notifying law enforcement of sexual assault, domestic violence, dating violence and/or stalking.

Crimes/violations of employment policies should be reported to the Human Resources Office, which is located at 205 Smith Hall 563.589.3619. If requested, the Human Resources office will provide assistance in notifying law enforcement of sexual assault, domestic violence, dating violence and/or stalking.

Victims of sexual assault, domestic violence, dating violence and/or stalking who do not wish to report the crime to a law enforcement official, the Dean of Students Office and the Title IX Coordinator are still

encouraged to get help and support. Please see the Sexual Assault, Domestic Violence, Dating Violence and/or Stalking chapter in this report for more information.

Child abuse should be reported to Campus Safety and Security or Child Protective Services at the Iowa Department of Human Services 1.800.362.2178 or follow this link:

<https://dhs.iowa.gov/report-abuse-and-fraud>

#### *Response to a Reported Crime*

Campus Security dispatchers are available 24 hours a day to take reports and answer questions. In response to a call regarding a reported crime, security officers will take the required action to the crime, search for suspects, collect available evidence, file a report, and work with the local police department. In response to an emergency, Campus security will respond, evaluate, and summon the appropriate resources to respond to the incident. All of the cases that Campus Security generates involving students are forwarded to the Dean of Students Office for review and potential action, such as initiating the student disciplinary process by referring the matter to the Dean of Students when appropriate and/or offering support to student victims. Where applicable, the Title IX Coordinator will also be informed. If assistance is required from the Dubuque Police or Fire Departments, or other local, state, or federal law enforcement agencies, Campus security will contact the appropriate agency.

Response to crimes reported to the Dean of Students Office or the Human Resources Office may include initiation of a disciplinary action or notice to law enforcement if the crime involves a minor.

#### *Voluntary Confidential Crime Reporting*

The University of Dubuque (UD) does provide voluntary, confidential crime reporting for the purposes of including crime statistic disclosures in the ASR for our Counseling department and Ordained ministers. As a matter of policy, UD directs people to report a Clery crime to Campus Security, the Dean of Students Offices, the Title IX Coordinator or the Human Resources office for the purpose of including a statistic in UD's ASR; though people may report crimes to any Campus Security Authority. However, UD may be obligated to investigate when there is a report of sexual assault, domestic violence, dating violence and/or stalking.

An online report form is used to collect statistical information for inclusion in the Annual Security Report and Annual Fire Safety Report and for Title IX related incidents. Though most often used by Campus Security Authorities, anyone may report a crime through this publicly available form. For possible follow-up and record keeping purposes, the form asks for the name of the submitter. The reporting form is found online at: [https://cm.maxient.com/reportingform.php?UnivofDubuque&layout\\_id=1](https://cm.maxient.com/reportingform.php?UnivofDubuque&layout_id=1)

The report must include sufficient information as to the location and type of incident for inclusion in the ASR. If the crime did not occur on Clery Act designated geography, or it cannot be determined from the report whether the incident(s) occurred on Clery Act designated geography, it will not be included in the ASR, as per federal regulations. For more information on Clery Act geography, please visit the Department of Education's website at <http://www2.ed.gov/admins/lead/safety/campus.html>.

The Missional Accountability work group, the Title IX Coordinator and/or the Dean of Students Office review all submissions made through the report form. Please see the chapter in this ASR entitled Sexual Assault, Domestic Violence, Dating Violence and Stalking for more information regarding resources on and off campus where help can be received confidentially.

### *Professional and Pastoral Counselors*

Campus “professional counselors” and “pastoral counselors”, when acting as such, are not considered to be Campus Security Authorities and are not required to report crimes for inclusion in the ASR or for a timely warning evaluation. Any Clery crime can be confidentially discussed with these employees and no crime statistic will be created in the ASR. On September 2018, UD developed a confidential report form for statistical inclusion in the ASR, which encourages professional counselors and ordained ministers to advise their clients of the procedures to report crimes on a voluntary, confidential basis for statistical inclusion in the Annual Security Report and Annual Fire Safety Report.

Please see the chapter in this ASR entitled Sexual Assault, Domestic Violence, Dating Violence, Stalking for more information regarding official reporting and confidential resources for sexual assault, domestic violence, dating violence, sexual assault and/or stalking.

### *Off-Campus Safety and Security*

The Dubuque Police Department (DPD) has primary jurisdiction in most areas off campus in the campus area. Other county, state and federal agencies also provide law enforcement services in the Dubuque area. DPD routinely works with Campus Security, campus conduct officers, and the UD student activities office on any serious incidents occurring off campus when a UD student is involved. DPD has a designated officer liaison to the UD campus. However, UD does not ask DPD to monitor criminal activity at off-campus locations of registered student organizations; DPD does so because those residences are within their jurisdiction.

### *Clery Crime and Fire Log*

University of Dubuque maintains a Clery Crime and Fire Log of crimes and residence hall fires which occur within UD’s campus and about which the Campus Security receives notification. The information presented in the Log includes the incident number, the date and time which a crime was reported to Campus Security or the University and the date and time at which a crime occurred, or an estimate thereof. The column labeled incident number may be used by the public to request additional information about a particular incident. The Location column identifies the street address or general location at which the crime was committed. The street address may not be specifically identified when this could compromise the privacy of a victim of sexual or intimate partner violence. The Classification column defines the nature of the crime committed. The Disposition reveals the current stage of the offense. Log entries are entered and updated in the crime log within two business days of Campus Security receiving the information or within one business day of an update of a disposition. In order to protect an ongoing criminal investigation or the identity of a victim, the Director of Campus Security or designee may classify information as confidential and prohibit its release. Log entries are archived from the active log after 60 calendar days. The Daily Log is available upon request to the Campus Safety and Security office at 563-589-3333.

## **On Campus Safety and Security**

### *Safety on Campus*

#### *Emergency Response and Evacuation*

Campus Safety coordinates with various university and community entities to ensure that UD students, faculty, staff and visitors are prepared to respond to emergencies, recover from them, and mitigate

against their impacts. Campus Safety also works closely with several campus partners to develop and implement UD's crisis communication.

When an emergency occurs, the Emergency Response Plan (ERT) is activated. The ERT delineates the response procedures for emergencies and disasters that impact the campus. When the ERT is utilized, two response organizations are established: the Emergency Operations Center (EOC) and the Executive Group. The EOC is staffed by pre-identified campus personnel trained to coordinate the campus' response and recovery efforts. EOC members are vetted UD personnel in middle to upper management positions from the major functional areas of the University, including, but not limited to Safety and Security, Business office, Human Resources, Facilities/Maintenance, Residence Life, Food Service, Academic Affairs and University Relations. The EOC facilitates sheltering of evacuees, debris removal, restoration of services, and supports on-scene personnel (list not all-inclusive). The primary EOC location is located in Campus Security Dispatch Center. Campus leadership, including the President, Vice-Presidents, and Deans comprise the Executive Group. Their primary responsibilities include setting policy and providing support to the EOC and on-scene personnel.

Campus Safety provides training and information on all four phases of emergency management: preparedness, response, recovery, and mitigation. There is at least one tabletop drill conducted each year starting 2018.

All buildings that are equipped with fire alarms have at least 2 fire drill each year. All academic buildings have at least 1 fire drill per year and all residence halls have at least 4 fire drills per year. Building evacuation drills are scheduled, documented, contain exercises involving a coordination of efforts, contain follow-through activities, and are designed for assessment and evaluation of emergency plans. A record of whether they are announced or unannounced is kept. In 2019, Flip Charts describing 'all hazards' along with evacuation maps will be posted in building and in the residence halls. All building evacuation plans will be tested during the 2019-2020 academic year. All students and staff should familiarize themselves with the evacuation routes for the buildings they frequent.

#### *Blue Light Emergency Phones*

There are 12 Blue Light emergency telephones located throughout campus with a direct connection to Campus Security. Blue Light emergency telephones are tested semi-annually by Campus Security and the campus maintenance department.

If you feel unsafe or are faced with an emergency, use the emergency telephones that are located around campus. The telephones have blue light on top and are labeled "Emergency." They are located at the following areas:

- University Park Drive near the traffic gate by Donnell Hall
- University Park Drive midway between the traffic gates
- University Park Drive near the traffic gate in Park Village
- South CRWC lot near the access gate and tennis courts
- South CRWC lot near the south corner of Veterans Memorial Training Center
- South CRWC lot near Oyen Soccer Field
- North Corner of Upper Finley Lot – near Grace St.
- Blades Hall – Quad Side

Campus phones are also located on the outside of buildings near the entrances. These phones are available to contact Security at x3333, and any internal campus numbers. **IMPORTANT:** These telephones do NOT allow any outside calls, including 911.

#### Campus Phone Locations:

- Park Village - all entry doors
- Chlapaty Hall - main entrance
- Cassatt/Donnell Halls - Bennett Street entrances
- Aitchison - front and near entrances
- Heritage Center - north and south vestibules
- Chlapaty Wellness Center - north and south entrances, each corner on west side
- Mercer Birmingham - lower entry doors
- Charles & Romona Myers Center - Algona Street entrance and Heritage side entrance
- Charles C. Myers Library - inside the entry way
- Goldthorp - ADA entry near the outdoor classroom and the service entrance (not accessible right now due to construction area)
- Parking lot (McCormick Street/University Ave) - located next to the driveway and the handicapped space as a self-standing telephone in a yellow box

**IMPORTANT:** These telephones do NOT allow any outside calls, including 911.

#### *Personal Safety Escort Service*

We want you to feel safe walking in the University of Dubuque campus area. The personal escort service provided by the Safety and Security Department operates 24 hours a day, seven days a week, unless otherwise indicated. Call the University of Dubuque Safety and Security Department at 563.589.3333. Tell them your name and UD ID number and exact location and destination. A uniformed officer will be dispatched as soon as reasonably possible. In most instances, the escort will be on foot.

#### *UD Cares (BIT/Threat Assessment)*

UD CARES mission compliments the University of Dubuque's mission. The team offers a supportive and encouraging partnership with students by linking them with appropriate resources that will allow them the opportunities to overcome barriers on their path to success as they pursue their educational goals.

UD CARES is an early alert initiative composed of professionals from different areas of campus life who deal with students on a regular basis: Academic Support, Academic Affairs, Athletics, Finance, Security, and Student Life. The team does not discipline, but rather helps with immediate problems. All concerns remain confidential.

Referrals are made from faculty, staff, parents, other students, or from the student themselves. Concerns may be sent via e-mail to Mr. Mike Durnin, Dean of Student Formation at [MDurnin@dbq.edu](mailto:MDurnin@dbq.edu) (or) 563.589.3270.

#### *"Campus Mom" – Undergraduate Student Resources Advisor*

Unique to the University of Dubuque is the position of Undergraduate Student Resources Advisor, better known as the "Campus Mom". She is available to help students as an advisor, mentor, mediator, problem-solver, and ombudsperson; The Campus Mom can assist with:

- Homesickness

- Roommate problems
- Concerns or confusion about classes
- Uncertainty about how to talk with an instructor
- Health concerns and where to get help
- Family/friend illness or death of a family or friend
- Any other student concern

### *Security on Campus*

#### *Access to and Security of University Buildings*

To improve building security, the University utilizes a computerized access system for several buildings on campus. You must have your University ID card with you at all times and available to a University official if requested. Do not provide access to unauthorized personnel who attempt to enter residence halls or other campus buildings. Ask any strangers in the building who they are visiting or if you can provide assistance to help them find that person. If you are uncomfortable doing so, contact Safety and Security x3333.

#### *Athletic Facilities*

Athletic facilities are typically unlocked during regular business hours during the week. After-hours access is controlled using Photo ID Cards or Access Control Photo Identification cards, security cameras (Closed Circuit Television) and proximity card readers. Access key pads and associated controls are also used to secure athletic facilities.

#### *Restricted Access Facilities*

UD has some regulated research laboratories on campus that require measures that limit access to only authorized persons at all times. They are access controlled throughout the entire building. The research laboratories are monitored by faculty and access to these by students need to be requested through the faculty responsible for that particular laboratory.

#### *Security and Maintenance of Campus Facilities*

Security is provided in the maintenance of the UD's facilities through a number of mechanisms, including limitations on hours of operation, policies on keys, restricting access to those bearing proper identification as university staff or students, and making available outside "blue light" telephone call boxes that are connected directly to the UD dispatcher for emergency assistance. Specific security mechanisms may vary with the type of university facility. Some buildings have a facility manager that report problems specific to the Science Center, Wellness Center, Library and the Heritage Center. The Electric Shop addresses reports of burnt-out lights. Landscaping impacts on security are addressed during the design phase. UD responds to building alarms. Campus Security monitors all areas on campus by performing daily walk-throughs.

#### *Missing Student Notification for Students Living in Residence Halls*

The University of Dubuque takes student safety very seriously. To this end, the following policy and procedures have been established to assist in locating UD students living in University-owned on-campus housing who, based on known facts and circumstances, UD has determined to be missing. A resident student shall be deemed missing when he or she is reportedly absent from the University for more than 24 hours without any known reason. Anyone that suspects a student is missing should contact the Campus Safety and Security office 563.589.3333 or Student Life office 563.589.3270.

Procedure once a Missing Student Report has been filed:

- Any report of a missing student should immediately be directed to Safety and Security.
- Safety and Security will contact Student Life and the two departments will work in conjunction to do the following as needed until the situation has been resolved:
  - ✓ Check the student's card access log to determine when they last entered a building, used their meal plan, etc.
  - ✓ Attempt to make contact with the student reported missing by calling the student's cell phone number on file, going to the student's room (keying in if no answer,) interviewing roommate(s) and floor mate(s) concerning the last time the student was seen and find any known plans.
  - ✓ Check class schedule and look for student at classroom, if applicable.
  - ✓ Contact faculty member regarding attendance, if appropriate.
  - ✓ Determine a timeline of when the student was last accounted for.
  - ✓ If it has been less than 24 hours, and the student's absence does not appear irregular or suspicious, a note will be left at the student's room requesting that they contact Safety and Security immediately upon their return. If, at the 24-hour mark, the student still has not returned, then the above stated actions will take place.
- After the above is accomplished and the student is deemed missing, Campus Security and or Student Life will notify Dubuque Police Department and the person(s) identified by the student through UD's online form.
- If students are under the age of 18 years old and not emancipated, UD will notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student.

UD students are to update their personal information (home address, telephone number) through the office of the Medical Coordinator or designee each year. The students are reminded annually by the Campus Safety and Security office through campus e-mail to update their information as noted above. The provided contact information by the student is registered in confidence but will be accessible only to authorized campus officials and that it may not be disclosed except to law enforcement personnel in furtherance of a missing person investigation. As of 2019, UD will add an additional line on the on-line form to include a specific option for 'Missing Student' notification.

#### *General Crime Prevention Tips*

We encourage all University community members to take responsibility for their own safety and security, by reporting crimes, suspicious activity, accidents, abuse, harassing calls, unsafe conditions or other emergencies immediately to the Safety and Security Department. By accepting this responsibility, we all do our part in maintaining a safer and more secure campus.

Since the opportunity for crime exists everywhere, we advise you to take precautions to avoid dangerous or risky situations. The following are Safety and Security Tips:

- Call the Campus Security at 563-589.3333 IMMEDIATELY if you see or hear something suspicious. Don't hesitate to dial 911 in an emergency. Be sure to tell them exactly where you are.
- Use the "buddy" system when walking, especially after dark.

- Park vehicles and/or walk in well-lighted areas.
- Use the Safety and Security escort service on campus which is available 24 hours-a-day.
- Lock and double check residence hall doors as well as vehicle doors and windows before leaving, even if for a short time.
- Be sure to report lost keys, fobs, or ID cards immediately.
- Don't leave your possessions unattended.
- Don't leave large amounts of money in your room and keep valuables out of sight. If you can't keep your valuables with you, keep them locked in a drawer or closet.
- Make a list of your valuables and mark them, including books, with an ID that can help in the recovery. Record serial numbers of valuables such as DVDs, VCRs, stereos, computers, etc. Take photos, if possible. Have valuables such as computers engraved by the Safety and Security Department through Operation Identification.
- Report any broken or flickering lights, dimly lit corridors, broken locks/windows, or other items of concern.
- See the section of this document titled "Sexual Assault, Domestic Violence, Dating Violence and Stalking" for protective behaviors regarding those offenses.

### *Safety at Home*

As a result of the Dubuque Police Department's efforts to cooperate with various partners in the evaluation and implementation of new prevention and enforcement strategies, a new initiative was launched in April 2008 with City Housing. Over the past few years, the Community Policing Unit has worked closely with City Housing to ensure those involved with subsidized housing as landlords as well as program applicants and tenants meet all federal participation requirements. To ensure these requirements are met, the police department through the Community Policing Unit conducts background and investigative research.

For more information, please [contact City Housing](#) at 563.589.4230.

### *Dubuque Police Department: Housing Corporal*

As the background and investigative research expanded, the need for a full-time investigator became apparent. As a result, a full-time Housing Corporal was assigned to City Housing from the Police Department to complete these needs. The Housing Corporal has an office in City Housing where all background and investigations are completed. This partnership strengthens and streamlines investigative time while establishing a consistent and visible commitment to the assurance of a successful housing program.

The Dubuque Police Department Crime Prevention Unit offers training and assistance to the citizens of Dubuque, including civic groups, neighborhood associations, businesses, senior citizens, and youth organizations.

### *Responsibilities & Training Services*

The prevention of crime should be the primary role and goal of all law enforcement agencies. It is when crimes are prevented from occurring that society is best served. The term crime prevention applies to proactive efforts and measures aimed at the elimination of criminal incidents, rather than responding to them after they have occurred. The most widely accepted definition of crime prevention is: *the*

*anticipation, recognition and appraisal of a crime risk and the initiation of some action to remove or reduce it.*

#### *Additional Services*

In addition to training, the Crime Prevention Unit also offers:

- On-site security assessments (business, residential, and rental)
- Successful Rental Property Management training for landlords (click [here](#) for more information)
- Crime prevention literature and materials (click [here](#) for Burglary prevention recommendations)
- Child Passenger Safety Seat inspections (click [here](#) for more information)

More information regarding Dubuque Police Department Crime Prevention and Public Information, please follow this link: <http://www.cityofdubuque.org/217/Crime-Prevention-Public-Information>

### **Communication about Campus Crimes and Safety**

Through a variety of methods, UD provides information to students and employees about campus security procedures and practices and encourages them to be responsible for their own security and the security of others. One method is keeping students and employees informed about crime prevention strategies and by communicating with the campus community about reported crimes or emergencies that pose serious or continuing threats to students and employees. This section highlights some of the ways in which UD offices communicate information about crime and safety on campus.

#### *Time Warnings*

Timely warnings shall be known as Spartan Warnings and distributed as such. The following shall provide guidelines for providing timely warnings to the campus community:

A. The Clery Act requires institutions to distribute Spartan Warnings regarding Clery reportable crimes that represent a serious or continuing threat to the safety of students or employees. Institutions are required to publish their policies regarding timely warnings in their Annual Security Report. Spartan Warnings will typically be issued for the following offenses that occur on Clery designated geography:

1. Murder or Non Negligent Manslaughter
2. Rape
3. Robbery
4. Aggravated Assault
5. Major Cases of Arson
6. Other crime categories will be assessed on a case by case basis and Spartan Warnings will be distributed as deemed necessary

B. The following factors should be considered when determining whether to issue a timely warning:

1. The nature of the crime (serious/non-serious, violent/non-violent)
2. The nature of the threat (general threat versus limited threat to a specific person)
3. Whether or not there is a continuing danger to the community or a continuing crime pattern.

C. When issuing a UD Alert, some information may be withheld if there is a possible risk of compromising law enforcement efforts to investigate and/or solve the crime.

D. When the University of Dubuque becomes aware of a situation that meets the criteria for a Spartan Warning, the University Relations or designee develops the content of the alert; the President or designee has the authority to authorize the distribution of a timely warning to the community. The evaluation team members include:

1. Director of Security
2. University Relations designee
3. Dean of Students designee
4. Notify President for approval

The Director of Security will follow-up with the designated Clery director or designee to ensure the incident is reflected in the daily log, noted as an ASR statistic if it meets Clery crime definitions and archived for audit purposes.

E. A timely warning or Spartan Warning notice will typically include the following, unless issuing any of this information would risk compromising law enforcement efforts or would identify the victim:

1. Date and time or timeframe of the incident
2. A brief description of the incident
3. Information that will promote safety and potentially aid in the prevention of similar crimes (crime prevention or safety tips).
4. Suspect description(s) when deemed appropriate and if there is sufficient detail
5. Police/Security agency contact information if relevant
6. Other information as deemed appropriate by the President or designee

F. Other Campus Security Authorities on campus learning of an incident in which a Spartan Warning may be needed, will share the information with Campus Security for the purpose of determining if the incident meets the criteria for a timely warning.

G. In the event a timely warning is needed, consideration must be given to the most appropriate means to be used to disseminate the information to the affected community. The following methods of communication may be used:

1. A campus-wide email blast to the UD community;
2. Message posted through the UD Facebook page and other social media;
3. Message posted on the UD website;
4. Press release with pertinent warning information;
5. Text message to students and employees who have signed up for text message alerts.

H. Campus Security does not issue a Spartan Warning notice for the above listed crimes if:

1. The subject(s) is/are apprehended by law enforcement and the threat of imminent danger to members of the UD community has been mitigated by the apprehension.

2. The subject(s) has/have not been apprehended by law enforcement but the Vice President of Finance or designee determines there is no threat of imminent danger to the members of the UD community.

3. If a report was not filed with the Campus Security or if the Campus Security was not notified of the crime in a manner that would allow Campus Security to post a “timely” warning for the community. A general guideline will include that a report filed more than 7 days after the date of the alleged incident may not allow Campus Security to post a “timely” warning to the community. This type of situation will be evaluated on a case by case basis.

J. UD Campus Security will generally not issue Spartan Warning for crimes occurring beyond the immediate Clery-designated geographical area. The same procedures for determining whether to issue a Clery geography Spartan Warning are used for determining whether to issue a non-Clery geography UD Alert and will be evaluated on a case-by-case basis.

#### *Emergency Notifications*

Emergency notifications shall be known as UD Alerts and will be immediately distributed as such upon confirmation by a university official(s) of an emergency or dangerous situation. The following shall provide guidelines for providing UD Alerts to the campus community:

A. UD maintains a multi-modal approach to all hazards emergency notification. Incidents and/or events may necessitate the notification of UD employees and students collectively or within impacted groups. Campus Security will immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring on campus. The Campus Security will, without delay, and taking in to account the safety of the community, determine the content of the notification, 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.

B. Campus Security personnel will attempt to confirm the emergencies on campus, in conjunction with key administrative units, such as Facilities Management, Environmental Health and Safety, other local first responder agencies, and/or the National Weather Service if necessary. Complete notification of one-hundred (100) percent of campus population is not possible; however, attempts will be made to notify the largest percentage feasible of the impacted segment of the population given incident/event specifics.

C. All Security personnel are authorized for system use. In situations in which there is a time-critical threat to campus, or a major disruption to normal campus operations, an Emergency Notification message and messages sent via the other systems listed below can be sent immediately on authority of Campus Security or designee. Campus Security or designee is responsible for drafting, determining the appropriate segment of the community to receive the message, and sending the message to the community using the appropriate systems. Content of the message will be determined on a case-by-case basis and will depend on the type of emergency. If time permits, University Relations may review media distributions prior to the Campus Security sending them.

D. Situations for sending an Emergency Notification include, but are not limited to: active shooter, significant and serious hazardous materials spill, closing a section of campus, multiple building closings,

significant disruptions to campus infrastructure, or a mass casualty disaster. Campus Security may use some or all of the following systems to communicate an immediate threat to the community: Emergency Notification – Text, Email and Voice Calls may be used in combination with other warning mechanisms such as the Universities social media platforms to include but not limited to twitter account, Facebook account as well a media distribution.

E. Situations requiring an Emergency Notifications will almost always require ongoing communications support. Campus Security should determine what level emergency is present and use the Emergency Response Manual (ERT). Once the ERT is activated the process of posting information on the university homepage and preparing a crisis communications response should begin. Depending on the level of the activation, Campus Security and/or University Relations will work together to craft a consistent set of messages that can be efficiently distributed to update the campus community, either through other Emergency Notifications or through the homepage and My UD Portal. The ERT group and/or University Relations will also provide assistance in handling media inquiries. Such requests should be evaluated on a case-by-case basis by the ERT and/or University Relations, using the criteria listed above.

F. Campus Security 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.

G. Parents and the larger community can receive information pertaining to an emergency situation at the UD through the following systems: Universities social media outlets to include but not limited to twitter and Facebook account, as well as media distribution.

H. Campus Security shall test system functions bi-annually. Campus Security is responsible for handling administrative issues and working with the system provider.

#### *Students and Employees receive Timely Warnings/Emergency Notifications*

University of Dubuque has implemented a widely-used campus emergency alert system that allows University officials to reach all students and employees with time-sensitive information during unforeseen events, emergencies, and significant emergencies or dangerous campus situations involving an immediate threat to the health and/or safety of students and employees. UD ALERT and Spartan Warnings are powered by Black Board Connect.

In the event of a serious incident which poses an immediate threat to members of the University community, the University has various systems in place for communicating information quickly to those individuals. Upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of the students or employees occurring on campus, some or all of these methods of communication may be activated. These methods of communications may include activating UD ALERT/Spartan Warnings, an emergency notification system utilizing email, text messaging and telephone voice messaging; or messages on the home page of University of Dubuque website.

#### *Timely Warning and Emergency Notification System Testing*

UD Campus Safety and Security office test system functions bi-annually. Campus Security is responsible for handling administrative issues and working with the system provider.

### *Information about Sex Offenders*

The federal Campus Sex Crimes Prevention Act requires institutions of higher education to issue a statement to the campus community about where to find information on registered sex offenders in the state. It also requires sex offenders who are already required to register with the state to notify that state if they are enrolled, carry on a vocation or are employed in a post-secondary institution.

In Iowa, convicted sex offenders must register in person with the sheriff of each county where the offender resides, maintains employment, or is in attendance as a student, within five business days of being required to register under section 692A.103 of Iowa Code by providing all relevant information to the sheriff. The registry can be found at <http://www.iowasexoffender.com/>

### **Crime Prevention and Security Awareness Education**

Creating a safe campus is everyone's responsibility. The following programs are offered to inform the campus community about campus security procedures and practices, to encourage the campus community to be responsible for their safety and the safety of others, and to inform students and employees about crime prevention.

Security Presentations at:

- First Year Student orientation
- Student Activity meetings
- RD/RA training
- DPD training for campus

### *Active Shooter Training*

Campus Security along with community partners such as Dubuque Police Department conducts an Active Shooter Response training presentation for students, faculty and staff, designed to provide an overview of an active shooter event. The instructors are experienced law enforcement trainers whose main goal is to share tactics and techniques that can and will help participants survive a crisis--- specifically, to survive an active shooter incident. Active Shooter Training is offered frequently and is also available upon request.

*Step Up!* Bystander Intervention Training is provided to the campus community upon request. *Step UP!* is a prosocial behavior and bystander intervention program that educates a campus community to be proactive in helping others.

### *Additional Crime Prevention and Security Awareness Programs*

Upon request, personnel from Campus Security are available to present to academic classes, departments, student organizations, campus offices, and residence halls regarding campus safety issues around crime prevention and security awareness. Presentations highlight steps to enhance personal safety as well as community responsibility for creating a safer campus. These programs encourage students and employees to be responsible for their own security and the security of others. UD conducts many security awareness and crime prevention programs each year. Also see the chapter of this document entitled "Sexual Assault, Domestic Violence, Dating Violence and Stalking," for more crime prevention and security awareness programs.

## **Sexual Assault, Domestic Violence, Dating Violence & Stalking**

University of Dubuque prohibits sexual assault, domestic violence, dating violence, and stalking as they are defined for the purposes of the Clery Act and Iowa state law. These crimes will not be tolerated on campus and are a violation of Iowa law as well as student and employee conduct policies. UD proactively addresses sexual assault, dating violence, domestic violence, and stalking.

For the purposes of the Clery Act, sexual assault, domestic violence, dating violence and stalking are defined as the following:

### *Sexual Assault*

- Sex offense: any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
- Rape: the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes both males and females.
- Fondling: the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- Statutory Rape: sexual intercourse with a person who is under the statutory age of consent.
- Incest: sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

### *Domestic Violence*

A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime occurred; by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime occurred. \*To categorize an incident as domestic violence, the relationship between the perpetrator and the victim must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship. (U.S. Department of Education, Office of Postsecondary Education, The Handbook for Campus Safety and Security Reporting, 2016 Edition, Washington D.C., 2016, pg. 3-38.)

### *Dating Violence*

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes,

but is not limited to, sexual or physical abuse or threats of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

### *Stalking*

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others, or suffer substantial emotional distress. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens or communicates to or about a person, or interferes with a person's property. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

### *UD Multidisciplinary Campus Committees*

Life Services promotes the following student activities, events, programming, and services throughout the academic year, please contact the Counseling office for further details.

- UD Counseling Team
- UD CARES Team
- Initial Assessment and Short-term Personal & Career Counseling
- Life Coaching
- Advocacy
- Spiritual Counseling
- Ally Training
- STEP-UP Bystander Intervention Training
- Mentoring Referral Services in collaboration with other offices of the Student Life Department
- Referral Services to Off-Campus Programs/Services, for such issues as; *Alcohol and other Substance Abuse, Anxiety, Debt Management, Depression, Eating Disorders, Gambling, LGBTQ, Pregnancy, Stress Management, and Other Concerns*
- Referral Services to On-Campus Depts./Programs/Services, such as; *Academic Affairs, Academic Support Center, Athletics, Student Organizations, Faculty Advisors, Financial Aid, Residential Life, Campus Ministry, and Other Departments of Interest*
- Resources for on-campus and/or off-campus programs and services
- Don't Cancel Class Program on topical areas of Life Services
- Online Voluntary Screenings
- Monthly Awareness & Hosted Informational Booths
- Topical Professional Development Forum to promote education, safety and violence prevention - *Navigating Similarities and Differences*

- Wellness initiatives to enhance the following six dimensions: cultural, emotional, intellectual, physical, social and spiritual

### **Prevention, Awareness and Bystander Intervention**

#### *Primary Prevention and Ongoing Awareness Programs*

UD is dedicated to educational and prevention services for the campus community – students, faculty and staff. Primary prevention programs means programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions. Primary prevention and ongoing educational/awareness efforts at UD contain information about options available to victims, procedures for institutional disciplinary action, risk reduction, and bystander intervention. Counseling services provide primary prevention programs and services, confidential victim advocacy, and training/technical assistance services focused on sexual assault, domestic violence, dating violence and stalking. Here is a list of support system contacts:

- City of Dubuque Police Department by dialing ‘911’
- The nearest Emergency Room in Dubuque, either Finley Hospital, 563.582.1881 or Mercy Medical Center, 563.589.9666
- Riverview Center’s Sexual Assault Hotline, 888.557.0310
- Amani Community Services, 319.504.1283
- Iowa Coalition Against Sexual Assault, 515.850.1922
- UD’s Title IX Coordinator’s Office, 563.589.3619
- UD’s Safety & Security Office, 563.589.3333
- UD’s Counseling & Life Services, 563.589.3113, 563.589.3132, 563.589.3253, or 563.589.3455
- UD’s Campus Chaplain, 563.589.3582
- UD’s Dean of Student Formation, 563.589.3270
- UD’s Office of Residence Life, 563.589.3438
- UD’s Associate Academic Dean’s Office, 563.589.3349
- UD’s Online Maxient reporting system ([click here](#))

The University of Dubuque provides educational sessions on the prevention of and responding to sexual assault, as well as the reporting of sexual assault. Educational sessions are provided during New Student Orientation in collaboration with the Courage and Social Action Theater Troupe. Informational sessions are also provided during the annual Healthy Relationship Week programming in the spring term, in collaboration with the Riverview Center and Waypoint Services. UD has also started a ‘Healthy Relationship Week in the fall of 2018. Online tutorials on sexual assault awareness and prevention are required of all students through programming, extended by the Department of Student Life. And,

Resident Assistants and Professional Hall Directors are provided training annually through the Office of Residence Life.

#### *Student-Athletes and Athletics Staff*

In August 2017, the NCAA adopted a requirement that all student-athletes, coaches and staff be educated on sexual violence prevention, intervention and response, to the extent allowable by state law and collective bargaining agreements. UD created a program to meet the needs of student-athletes, coaches and staff for the 2017-2018 academic year.

#### *General Training Services*

Faculty, staff, and students who wish to learn more about sexual assault, dating violence, domestic violence and/or stalking or who wish to schedule professional development in these areas should contact UD Human Resources department. Staff provide training and technical assistance about prevention strategies, supporting a survivor, and resources available on campus and in the community. The Title IX Coordinator can provide training upon request as well as offered annually about institutional reporting requirements and resources/rights for victims of sexual assault, dating violence, domestic violence, stalking, and/or sexual harassment. Additionally, the Title IX Coordinator will provide focused trainings in areas where patterns or systemic problems arise. For more information, contact Julie MacTaggart at 563.589.3619.

### **Bystander Intervention Programs and Risk Reduction**

#### *Step UP! Bystander Intervention program*

UD uses the Step UP! Bystander Intervention program that has been developed by the University of Arizona C.A.T.S. Life Skills Program, along with the National Collegiate Athletic Association (NCAA) and national leading experts. This program teaches people about the determinants of prosocial behavior makes them more aware of why they sometimes don't help. As a result they are more likely to help in the future.

The goals of Step UP! are to:

- Raise awareness of helping behaviors
- Increase motivation to help
- Develop skills and confidence when responding to problems or concerns
- Ensure the safety and well-being of self and others

UD offers this program upon request.

#### *Bystander Intervention Tips*

Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene. Many people assume that sexual assault, domestic violence, dating violence and stalking only affects the crime victim, when in fact entire families, friend groups, and communities are hurt. If you see something, say something:

- Be active in supporting a safe and respectful community. If you see others engaging in disrespectful or inappropriate actions, speak up and get involved, or contact someone to assist.
- Listen for rape jokes and sexist language. You don't have to laugh or participate.
- If you see someone who looks to be in immediate danger, call 911.
- You can intervene even after an assault. Learn what options sexual assault victims have available to them on this campus and be supportive of their choices.
- If you're a bystander and see someone behaving in a way that seems suspicious, be direct and step in and do something about it, such as distracting their attention away from a potential victim. If you don't feel comfortable or safe confronting them, call 911.
- If you sense that something is wrong, don't ignore it, you can help by getting involved. Check-in and ask, "Hey, do you know this person?" or, "Are you OK?" or, "Can I call a friend to walk you home?"
- It can feel awkward to step in and say something if you notice harmful behavior, but often all it takes is a brief introduction. Let the potential perpetrator know that their actions are noticeable with a simple, "Hey, do I know you? Aren't you in Tuesday Chemistry section?"
- When you go out, consider going out as part of a group. People tend to step in and intervene in situations when they have friends who will back them up.

*Protective Behaviors and Risk Reduction: What Everyone Can Do*

Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

- Have healthy, open and ongoing conversations with your partner or potential partner about sex and sexual contact. Talk about your boundaries and what behaviors you both feel comfortable, and uncomfortable, engaging in.
- The next time you hear yourself talking about gender or sex in a derogatory way, stop. Speak up when you hear others talk this way—no matter their gender.
- Listen to or read the personal story of a survivor of violence.
- Make sure you have enthusiastic, affirmative and ongoing consent from your partner. Consent is a clear and freely given yes, not the absence of a no.
- Consent to one act does not mean consent to other acts. Communicate and be responsive. You must continually get consent for sex. If someone seems not okay with what's happening, it is your responsibility to check in.
- When you have sex be sure you understand your partner's limits, and communicate your own limits clearly. Don't engage in sexual activities without affirmative consent from your partner.
- Most commonly, sexual assault is perpetrated not by a stranger but by someone the victim knows, typically a date or acquaintance.
- People who are incapacitated by alcohol or drugs cannot give consent. Signs of incapacitation may include—but are not limited to—throwing up, slurring words, stumbling, or not being able to remember conversations.
- Do not pressure others to drink or use drugs and be alert to people pressuring you or others to use.

- Alcohol and drugs are often used to create vulnerability to sexual assault. Studies of sexual assault incidents show a high correlation between sexual assault perpetration, victimization and drug/alcohol usage.
- Some sex offenders target people by using alcohol as a weapon. Get your own drinks; don't let someone continually fill your cup or leave your drink unattended.
- Use and encourage others to have a companion or a safe means of getting home, i.e., a trusted friend, taxi, or UD escort program 563.589.3333
- If an authority figure pressures you to engage in sexual activity tell someone.
- Understand that crime victims are never responsible for the behavior of perpetrators.
- If you've been sexually assaulted or victimized, tell someone – there are resources available to help.

*Signs of an abusive dating partner may include someone who:*

- Calls you names, insults you or continually criticizes you.
- Does not trust you and acts possessive or jealous.
- Tries to isolate you from family or friends.
- Takes your possessions to punish you and refuses to return them.
- Monitors where you go, who you call, and who you spent time with.
- Controls finances or refuses to share money.
- Punishes you by withholding affection.
- Expects you to ask permission from them to do what you want to do.
- Threatens to hurt you, your family, your pets, or your belongings.
- Threatens and/or uses a weapon against you.
- Has ever forced, coerced, or manipulated you into having sex or performing sexual acts.
- Accuses you of cheating or is often jealous of your relationships with others.
- Traps you in your apartment or residence hall room and keeps you from leaving.
- Social media messages, Facebook messages, tweets, text messages, and/or calls you obsessively to find out where you are and what you are doing.

More information about dating violence can be found at:

<http://www.dbq.edu/CampusLife/OfficeofStudentLife/CounselingLifeServices/Resources/>

Remember, sexual assault, domestic violence, dating violence, and stalking are never the fault of the victim; they are the choice of the perpetrator.

### **Reporting and Resources**

Students and employees who experience sexual assault, domestic violence, dating violence, and/or stalking have many options and services available to them on and off campus, including mental health counseling, victim advocacy, off-campus legal assistance, employee assistance and access to the criminal and campus disciplinary systems. Many services are available to victims regardless of their choice to report the incident to law enforcement, and several are available at no charge.

The campus and surrounding community have a wide range of services available to help student victims. This information is provided as part of prevention education efforts and is detailed below. For more information visit:

<http://www.dbq.edu/CampusLife/OfficeofStudentLife/CounselingLifeServices/Resources/>

When a student or employee reports to UD that they have been a victim of sexual assault, domestic violence, dating violence and/or stalking, whether the offense occurred on or off campus, UD will provide the student or employee with written notification of the student or employee's rights and options.

### *Procedures for Reporting*

UD encourages victims of sexual assault, domestic violence, dating violence and/or stalking to report the incident immediately to Campus Security at 563.589.3333 or by calling 911. In addition to law enforcement, individuals may also report sexual assault, domestic violence, dating violence and stalking to UD through the Dean of Students Office and/or Title IX Coordinator.

Following a report of sexual assault, domestic violence, dating violence and/or stalking to UD, whether the offense occurred on or off campus, UD will provide the student or employee a written explanation of the student's or employee's rights and options.

All victims have the right to be accompanied by a person of their choosing, including a victim advocate, when they file a report and to any meetings related to institutional disciplinary proceedings. A victim has the right and is encouraged to notify proper law enforcement authorities, including Campus Security and local police, to report sexual assault, domestic violence, dating violence and/or stalking. Victims have the right to be assisted by campus authorities in notifying law enforcement if the victim chooses.

UD will comply with a request for assistance in notifying law enforcement. Victims also have the right to decline to notify law enforcement. If the crime occurred on UD property, Campus Security has jurisdiction. If the crime occurred off campus, the victim can notify the appropriate local law enforcement agency with jurisdiction at the location of the crime. UD will assist the victim in identifying the correct law enforcement agency and will assist the victim in reporting it to that agency. Victims have the right to NOT notify law enforcement or report the crime if they so choose.

If you choose to report to Campus Security, the Dean of Students Office, or the Title IX Coordinator, UD will investigate the allegation and, where applicable, pursue disciplinary action against the person alleged to have committed the offense. The Dean of Students Office and Title IX Coordinator are required to respond appropriately to all reports of sexual violence, and will do so when they receive notice of the allegation.

UD provides training and information to many staff members to respond to and support victims, however, many victims do not feel comfortable talking to law enforcement, campus administrators, professors, or advisors. Healing can look different for everyone. Additional services available to victims of crime occurring both on and off campus are listed in this chapter, including confidential options that will not result in criminal or university investigation. When reporting sexual assault, domestic violence, dating violence and/or stalking, please note the following:

- The preservation of evidence may strengthen investigations, which may result in a better chance of holding the accused responsible or obtaining a restraining order. (Evidence may include the clothing worn at the time, a record of threatening text messages and e-mails, and bodily fluids).
- Forensic Nurse Examiner or SANE nurse can provide no-cost forensic medical exams, even if a victim chooses not to report to law enforcement. For more information please visit:
  - ✓ Finley Hospital/Unity Health: 563.582.1881  
350 N Grandview Ave, Dubuque, IA 52001
  - ✓ Mercy Health Center: 563.589.8000

250 Mercy Drive, Dubuque, IA 52001

- Although it is best not to shower, even if a victim has showered and changed clothes, a police report can be filed and/or medical exam can be obtained.
- Campus officials are required to provide information about options and assist in making contact with law enforcement personnel if requested.
- Filing a report will generally involve an interview with law enforcement officer or an investigating officer from the Title IX office (or both, if you choose to report to both agencies).

### **Protective Orders (Restraining Order) and No Contact Directives**

What is a Protective Order?

Protective orders are also called "restraining orders." They are typically used in domestic disputes to ban one party from contacting another or from interfering with an order of the court with respect to child visitation or custody rights. They are also frequently used in cases of spousal abuse to keep the violent party from coming into contact with the victim.

Protective orders usually are temporary measures used by the court while the parties gather and present evidence showing that a more permanent remedy is required. Protective orders may sometimes be granted ex parte, that is without the presence of the party being effected. But this happens only when there is substantial evidence that the party applying for the order is under an imminent threat of injury or when there is good evidence that an order of the court will be violated. The applicable Iowa Laws can be found here:

<https://www.legis.iowa.gov/law/iowaCode/sections?codeChapter=236&year=2018>

*Who can file?*

An adult seeking relief for themselves, or an adult seeking protection on behalf of a child who is under age 18, or an adult seeking protection on behalf of a ward.

You or the person you are seeking protection from (the defendant) must live in Iowa.

*Where can I file?*

At the district court where either you or the defendant lives; forms are available at the clerk of court office in all county courthouses and on the Iowa Judicial Branch website free of charge (<https://www.iowacourts.gov/for-the-public/court-forms/>).

*What if I need help with this process?*

If you need help with this process, you may contact:

- A private attorney.
- Iowa Legal Aid at 800.532.1275 (M – F, 8:30 am – 4:30 pm; [www.iowalegalaid.org](http://www.iowalegalaid.org)).
- The Iowa State Bar Association “Find-A-Lawyer”) at <https://www.iowafindalawyer.com/>.
- Your local domestic violence victim advocacy program. If you are not sure who provides services in your area, call
  - ✓ The Iowa Victim Service Call Center Hotline at 800.770.1650, or text IOWAHELP to 20121 (available 24/7).

- ✓ The County Attorney where you are filing your petition may provide help.

Note: Clerks of court cannot provide legal advice or tell you specific content to put on the form.

Here are some additional resources that are available:

Victim/Survivor Assistance Resources:

- Domestic Abuse Intervention Services (DAIS) employs legal advocates who can assist with paperwork, questions, and attend court hearings with you. DAIS phone number is (608) 251-1237;
- Iowa Victim Service Call Center Hotline 800.770.1650 – or –Text IOWAHELP to 20121; [www.survivorshelpline.org](http://www.survivorshelpline.org) ; (Available 24/7)
- Address Confidentiality Program (Iowa Secretary of State); 321 E. 12th Street, 1st Floor Lucas State Office Building, Des Moines, IA 50319; 515.281.5204; <https://safeathome.iowa.gov/> ;
- Iowa Protective Order Notification service (IowaPON); Crime Victim Assistance Division, Ground Floor Lucas State Office Building, 321 E. 12th Street, Des Moines, IA 50319; 800.373.5044; <https://www.iowaattorneygeneral.gov/for-crime-victims/iponda/>

Legal Resources:

- Iowa State Bar Association: Find-A-Lawyer; 625 E. Court Avenue, Des Moines, IA 50309; 515.243.3179; <https://www.iowafindalawyer.com/>
- Iowa Legal Aid; 800.532.1275; [www.iowalegalaid.org](http://www.iowalegalaid.org) ; (M – F, 8:30 am – 4:30 pm)  
Offices located in: Davenport, Des Moines, Cedar Rapids, Council Bluffs, Iowa City, Mason City, Nevada, Muscatine, Sioux City, Waterloo

*What happens once I file?*

After your Petition is on file, the court will schedule a hearing and order law enforcement to deliver to the defendant (the person you are asking to be protected from):

- A copy of the Petition you filed (information you included telling the court about how you, your child, or your ward were hurt or threatened with harm),
- The Temporary (or Emergency) Protective Order, and
- A hearing date. The hearing should happen within 5 – 15 days from when you filed your paperwork.

*When is the Protective Order effective?*

The Protective Order goes into effect once the defendant has been served with the order.

The above information and more can be found on the Iowa Judicial Branch website at:

<https://www.iowacourts.gov/search?q=Protect+Yourself+from+Domestic+Violence>

*UD and Protective Order (Restraining Order)*

UD and Campus Security will enforce active restraining orders issued by a court of law, including tribal courts, when provided notice of the order. Students who have a court-issued restraining order and wish

to inform the University should contact the Dean of Students office or Campus Security. Students who need to be provided additional accommodations regarding a restraining order should contact the Dean of Students Office, the Title IX Coordinator or Campus Security.

Employees who have a court issued restraining order should notify the Office of Human Resources, the Title IX Coordinator or Campus Security. Please be aware that notification to the University of an existing court-ordered restraining order may require the Title IX Coordinator to follow up as prescribed by Title IX.

Campus Security  
Smith Hall, Room 112  
2205 Grace Street  
563.589.3333

Dean of Students Formation  
Second Floor of Peters Commons  
563.589.3270

Title IX Coordinator/Human Resources Office  
205 Smith Hall  
2205 Grace Street  
563.589.3619

If your restraining order is being violated, regardless of whether or not you have informed the University of Dubuque, please call 911 immediately.

#### *No Contact Directives Issued by UD*

One tool the University of Dubuque uses to support a safe, respectful, and responsible educational and working environment, either as a proactive measure or in response to and prevention of additional incidents, is a no contact directive.

A no contact directive is a university-issued directive that prohibits the recipient from having contact with -in any form- the individual or individuals named in the directive. The no contact directive is different than a protection order issued by a court of law and may be issued independent of campus investigatory/disciplinary processes.

A no contact directive is issued when an authorized University employee determines that an individual should be prohibited from having contact with another person or persons. The individuals listed in a no contact directive can include, but might not be limited to: complainants/reporting party, respondents and witnesses. No contact directives are often issued during the course of investigating cases which involve allegations of sexual assault, dating/domestic violence, and/or stalking but can also be used as a proactive measure in response to and prevention of additional incidents generally.

A no contact directive may include the following language: "Be advised that you are not to have contact with <First Name, Last Initial> of any kind, direct or indirect, until further notice. This includes, but is not limited to: face-to-face/in-person, telephone, e-mail, text message, social networking sites, written communication, video and other electronic communication, and contact through third parties. Any attempt to contact this person might be considered harassment and could result in disciplinary action."

#### *Students*

No contact directives can be issued by the Dean of Students Office, and by the Title IX Coordinator when there are allegations of sexual harassment or sexual violence or as a proactive measure in response to

and prevention of additional incidents generally. A no contact directive is issued in writing via a student's university email, and when possible, verbally. Recipients of the no contact directive are informed that future contact with the individual or individuals named in the directive may be considered harassment and could result in a disciplinary investigation. If the individuals involved are in student organizations or classes together, the parameters of the no contact directive will be discussed and additional expectations for minimizing contact may be added to the written correspondence. Students will be provided with an opportunity to ask questions about the terms of the no contact directive issued to them. No contact directives issued by Dean of Students will include a written notification of the right and process to appeal.

Notice of the no contact directive is sent to the Title IX Coordinator, Dean of Students, Campus Security, and when there is a connection to University Housing, Residence Life. When issued, a no contact directive does not have an end date. The no-contact directive can also be modified or terminated with the agreement of the parties. Any changes to a no-contact directive will be communicated to the parties in writing.

Students who violate a no contact directive risk being charged and investigated through the nonacademic misconduct process for Harassment and/or False Statement or Refusal to Comply Regarding a University Matter. Information regarding the no contact directive is maintained in a student database and does not appear on an internal or external transcript.

#### *Employees*

Supervisors, in consultation with Human Resources staff, have the authority to regulate workplace behavior of Academic and University staff, and the VP Academic Affairs may regulate faculty, as long as there is a work-related reason for doing so. The Title IX Coordinator may also issue a no contact directive for any employee. No contact directives are typically issued in a letter to the recipient. UD may issue no contact directives to employees when appropriate circumstances arise. Circumstances under which a no contact directive may be issued include, but are not limited to, pending disciplinary investigations. A no contact directive may limit an employee's contact with another employee, a student, or other member of the University community or limit an employee's contact with a work location for a length of time determined by the employee's supervisor or the VP Academic Affairs. The following types of contact may be prohibited by a no contact directive: face-to-face/in person, telephone, e-mail, text message, social networking sites, written communication, video and other electronic communication, and contact through third parties. Violation of a no-contact directive issued by UD may result in disciplinary action up to and including dismissal. Employees may have the ability to challenge a no contact directive by using the grievance process for their employment category.

#### *Requesting a No Contact Directive*

Requests for no contact directives will be reviewed on a case-by-case basis and will take into account factors such as safety, alleviating a hostile environment, and educational and employment needs. The reporting party may request a no contact directive by contacting one of the following offices: the Dean of Students, the Title IX Coordinator, or the Office of Human Resources.

### **Notice of Accommodations and Confidential Resources**

#### *Notice of Accommodations*

Students and employees who report sexual assault, domestic violence, dating violence and/or stalking to UD will receive written notification about existing counseling, health, mental health, victim advocacy,

legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community. This information is also provided to all students and employees in this ASR.

UD will provide written notification to victims about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures. This will be provided whether the offense occurred on or off campus. UD is obligated to comply with the above and will make such accommodations or provide such protective measures if the reporting party requests them and if they are reasonably available, regardless of whether the reporting party chooses to report the crime to campus police or local law enforcement. This information is also provided to all students and employees in this ASR.

UD will maintain as confidential any accommodations or protective measures provided to the reporting party, to the extent that maintaining such confidentiality would not impair the ability of University of Dubuque to provide accommodations or protective measures.

When determining what measures to grant, factors considered might include, but are not limited to: the specific need requested by the complainant/reporting party, the age of the people involved, the severity or pervasiveness of the allegations, any continuing effects on the complainant/reporting party, whether the complainant/reporting party and alleged perpetrator share the same residence hall, dining hall, job location, classes, extra-curricular activities or whether judicial measures have already been taken to protect the complainant. Typically, the individual affected units determine whether or not to provide an accommodation, though the Title IX Coordinator and/or Dean of Students Office may also provide direction and assistance.

The following offices can provide information and assistance to those requesting accommodations and changes to academic, living, transportation, working situations and other protective measures:

Dean of Students		Title IX Coordinators		
Mike Durnin	Nelson Edmonds	Julie MacTaggart	Mike Durnin	Nelson Edmonds
563.589.3270	563.589.3867	563.589.3619	563.589.3210	563.589.3867
Office of Human Resources		University Counseling		
Julie MacTaggart		563.589.3911		
563.589.3619				

#### *Confidential Resources*

For victims who choose to not report to law enforcement and/or to a campus office, there are several options available. These options allow a victim who is 18 or older to get help without having their name or information shared with campus officials, third parties or law enforcement to the extent permissible by law. Please be aware that exceptions to confidentiality include reports of child abuse (victims 17 or younger), elder abuse, and threats of imminent harm to self or others.

#### *On-Campus Confidential Resources*

For Students/Employees:

Campus Counseling Services 563.589.3911

Campus Chaplain	563.589.3582
<i>Off-Campus Confidential Resources</i>	
Child/Dependent Adult Abuse/Neglect Reporting	563.557.8257
Iowa Sexual Abuse Hotline	800.284.7821
Waypoint Services	Crisis Line 800-208-0388
LGBTQ Helpline	866.488.7386
Riverview Center, INC. & Sexual Assault Prevention & Intervention Services	
2600 Dodge St., Dubuque, IA:	563.557.0310
705 S. Dodge St., Galena, IL:	815.777.8155
Toll Free:	888.557.0310

### **University of Dubuque and Protecting Victim Confidentiality**

When a student or employee victim reports to a university office or official who is not explicitly designated as confidential, UD takes every precaution to protect the reporting party privacy and confidentiality by sharing information only with university officials who have a legitimate educational interest and/or those who need to know for the purposes of providing an institutional response. In an effort to protect the reporting party safety and privacy, UD maintains information about sexual violence in a secure manner. If the University has notice of an incident, UD will balance the victim’s request to keep identifying information confidential with Title IX’s mandate to investigate hostile environments.

To the extent permissible by law, UD will endeavor to keep victim and necessary party information private. However, once a report is made to the University, or the University has notice of an incident of sexual assault, sexual harassment, domestic violence, dating violence, and/or stalking, confidentiality cannot be guaranteed unless that information is reported directly to one of the confidential resources listed. UD will strive to maintain as confidential any accommodations or protective measures provided, but keeping victim information confidential may limit UD’s ability to provide accommodations or protective measures.

For victims aged 18 and older who report to non-confidential sources, reports of sexual assault, domestic violence, dating violence and/or stalking are directed to the Title IX Coordinator, who will share relevant information only with those who need to know, such as complaint investigators, and other individuals who are responsible for handling the school’s response to incidents, or as necessary to comply with the Iowa Public Records law, a valid subpoena, a lawful discovery request, or a governmental inquiry or investigation. UD follows applicable Title IX guidance and the requirements of the federal Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g, when evaluating whether to disclose student information. In the case of minors, UD employees must report child abuse to Child Protective Services or local law enforcement.

For Clery Act reporting and disclosures, a victim’s name or identifying information will never appear in a Crime Warning, on the Daily Crime Log or in the ASR. UD will redact a victim’s identifying information when responding to requests for information pursuant to the Iowa Public Records law. The University also will not disclose identifiable information about research subjects if prohibited by an NIH-issued

Certificate of Confidentiality, HIPAA regulations and state laws pertaining to the privacy of health information or promises of confidentiality made to research subjects pursuant to the federally required consent form and authorization form. UD must respond to valid subpoenas that are not prohibited by other applicable law, and may not be able to redact information when responding to a subpoena.

There are confidential resources available such as University Counseling and Seminary, as long as the person is Ordained and functioning in that ordained capacity when receiving the information. Other licensed healthcare providers, counselors and social workers employed by the University follow the confidentiality requirements of their profession when they are providing care to a patient or a client.

For information about off-campus and non-UD affiliated confidential resources, please see the “Off-Campus Confidential Resources”.

### **UD Disciplinary Procedures for Sexual Assault, Domestic Violence, Dating Violence and Stalking**

UD prohibits sexual assault, domestic violence, dating violence and/or stalking. The University of Dubuque have policies and procedures to respond to behavior of students and employees that interfere with the University’s educational and work environment.

UD determines the type of disciplinary proceeding to use based on the status of the accused. Complaints against students for disciplinary code violations should be reported to the Dean of Students Office, or the Title IX Coordinator. Where the accused person is a student, the student disciplinary process will be utilized. Complaints can be submitted via email, phone or in person. Complaints against employees should be reported to the Director of Human Resources or the Title IX Coordinator. Where the accused person is an employee, the appropriate employee disciplinary process will be used based on the employee’s category.

#### Dean of Students

Mike Durnin     Nelson Edmonds  
563.589.3270    563.589.3867

#### Title IX Coordinators

Julie MacTaggart    Mike Durnin     Nelson Edmonds  
563.589.3619        563.589.3210    563.589.3867

#### Office of Human Resources

Julie MacTaggart  
563.589.3619

UD works to ensure that disciplinary investigations and procedures are prompt, fair, and impartial. Student disciplinary process timeframes are outlined Student handbook. Employee disciplinary processes will be completed as promptly as possible while maintaining the integrity of the process. While UD works to avoid delays, circumstances that cause a delay may include, but are not limited to, a parallel criminal investigation, school breaks, availability of witnesses, reasonable requests by either party for an extension, the complexity of the investigation, and the severity of the alleged conduct. Such delays will be evaluated by UD on a case-by-case basis, and both parties will receive updates throughout the process.

## **Rights of Victims of Sexual Assault, Domestic Violence, Dating Violence and/or Stalking in UD Disciplinary Proceedings**

Involved parties of sexual assault, domestic violence, dating violence and/or stalking are entitled to the following rights:

- Disciplinary proceedings that provide a prompt, fair, and impartial investigation and resolution.
- Disciplinary proceedings that are conducted by panel members who receive annual training on the issues related to domestic violence, dating violence, sexual assault and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
- The same opportunity to have others present throughout disciplinary proceedings as the accused, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice. UD will not limit the choice of advisor for either involved party in any meeting for disciplinary proceeding.
- Both parties shall be simultaneously informed, in writing, of the outcome of any disciplinary proceeding that arises from an allegation of sexual assault, domestic violence, dating violence and/or stalking; of the procedures for either party to appeal the outcome; of any change to the results that occurs prior to the time that such results become final; and of when such results become final. At no time can a victim be required to keep the outcome confidential, or be prohibited from discussing the case.
- Victims have equitable rights to the accused to appeal the outcome of a disciplinary proceeding.
- Victims shall be informed of their options to notify law enforcement.
- Students and employees 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 victims, both within the institution and in the community.
- Victims shall be notified, in writing, of options for changing academic, transportation, work, living situations and protective measures.
- Victims can obtain a free forensic exam from a Sexual Assault Nurse (SANE) without filing a police report or involving the police in any way. If additional treatment is sought, other hospital charges may apply.

In addition to the rights given by federal and state law, UD is committed to ensuring that victims of violence also have the following rights:

- The right to a victim advocate or support person of their choosing.
- The right to access sexually transmitted infection (STI) testing and treatment, emergency contraception, and pregnancy testing.
- The right to be informed of and have access to their own medical, mental health, Sexual Assault Nurse Examiner (SANE), campus disciplinary, and/or victim advocacy services.
- The right to not be punished for underage drinking if reporting a sexual assault or other crime.
- The right to have options for offering their testimony in a campus disciplinary hearing, including via phone or video conference.
- UD will disclose to the victim of a crime of violence or sex-offense, the results of any disciplinary hearing conducted by UD against a student who is an alleged perpetrator of such crime or

offense. If the victim is deceased as a result of the crime or offense, UD will provide the results of the disciplinary hearing to the next of kin of the victim if the victim is deceased as a result of the crime, if requested in writing.

### *Protective Measures*

There are a range of protective measures UD offers to victims who report sexual assault, domestic violence, dating violence and/or stalking. UD will accommodate changes to academic, working, and living situations if requested by the reporting party and reasonably available. UD may also issue a directive ordering the alleged offender(s) and reporting party not to have contact with each other. Protective measures can be ongoing, are not necessarily tied to the outcome of a disciplinary action and will be developed on a case-by-case basis in response to the request and concerns of the victim. For more information about institutional no-contact directives and how to request accommodations, please see the “Reporting and Resources” section of this document.

## **Campus Student Conduct Procedures for Nonacademic Misconduct Including Sexual Assault, Domestic Violence, Dating Violence and Stalking**

The University will resolve its conflicts with justice and compassion. The following student conduct process and procedures will be utilized for UD students for violations of UD values, policies, and procedures. Violations by Seminary students will be handled through the Seminary discipline processes as outlined in the Seminary section.

### *Definitions*

**Hearing Officer:** A UD official who has been given the authority by the Dean of Student Formation to conduct a student conduct hearing.

### *Student Conduct Board of Appeals*

A group authorized by the Dean of Student Formation to consider an appeal on the grounds of failure to receive due process and/or the sanction imposed was excessive. The Student Conduct Board of Appeal shall be appointed by the President of the University, or their designee, and composed of faculty and/or staff members. [Note: Title IX case appeals will be heard by a Title IX Coordinator. See the Title IX Policy for further details.]

### *Mission*

The Mission of the Student Conduct Program at the University of Dubuque is the teaching of appropriate individual and group behavior, as well as protecting the campus community from disruption and harm. The program is designed to foster the ethical, moral, and spiritual development and personal integrity of students in the promotion of an environment that is in accord with the overall Mission and Values of the University.

### *Goals*

- Develop, disseminate, interpret, and enforce campus policies and regulations.
- Protect relevant legal rights of students.
- Deal with student behavior problems in an effective and efficient manner.
- Facilitate and encourage respect for campus governance.
- Provide learning experiences for students who participate in the operations of the student conduct system.

### *Philosophy*

The basic student conduct philosophy at the University of Dubuque is one of education and focuses on the growth and development of students. Individuals charged with violating the values, policies, and procedures of the University of Dubuque are educated to accept responsibility and consequences for those actions, respect the rights of others, and develop self-discipline.

It should be understood that there is a fundamental difference between the nature of student discipline and that of criminal law. Regardless of the type of proceeding used, the disciplining of students must be consistent with the educational mission of the University. For this reason, the procedures employed and types of sanctions used on campus seldom resemble those used in the criminal process. Although students' rights to due process and fairness must be carefully protected, the rules of criminal law are neither required nor necessary to achieve the educational goals of University discipline. Therefore, legal counsel will only be allowed to participate or observe as an advisor in any student conduct proceeding at the University of Dubuque.

### *Responsibility*

The formal responsibility for student conduct has been delegated by the President of the University to the Dean of Student Formation. The Dean of Student Formation may delegate another representative from the Student Life Department authority for student conduct. Whether the discipline case is processed by the Assistant Dean/Director of Residence Life, the Dean of Student Formation, or another designated hearing officer, the end goal remains the same—to redirect behavior into acceptable patterns and to protect the rights of all students.

### *Authority: Institutional*

The primary authority for campus student conduct programs is the responsibility of the Dean of Student Formation. Violations of University academic policies are under the primary authority of the Vice President for Academic Affairs. Please see the Values Violations section for possible sanctions regarding academic violations.

### *Authority: Civil/Criminal*

Activities of students may, on occasion, result in a violation of civil or criminal law. Although the University does not provide legal advice or retain counsel on the student's behalf, it may serve a supportive role to a student encountering legal difficulties. Students who violate the law may incur penalties prescribed by civil authorities. The student who violates University policies and/or Iowa state law in the course of his/her off-campus activities shall be subject to University disciplinary action. University action should be independent of community pressure.

The University reserves the right to enforce its own regulations against members of the University community when the action occurs on or off-campus. In the event a violation of a student's rights and/or University policy/Iowa state law occurs off campus, the Dean of Student Formation may conduct an investigation through any means they feel appropriate to determine if this off-campus behavior poses a threat to the peace, safety, or learning environment on campus. If the investigation reveals such a threat, the Dean of Student Formation shall refer the case to the appropriate student conduct body for a hearing and possible sanctions.

Students may be liable to penalties by both civil and University authority, as in the case of underage drinking or providing alcohol to minors. This does not constitute double jeopardy. Since the University

does not function as a sanctuary from law enforcement agencies, the University will cooperate fully with these agencies when they are investigating alleged criminal activities. The University may, at any time it deems necessary, call upon civil law enforcement officials to assist in the confrontation of any student who violates institutional policies, rules, and regulations that may also be a violation of civil law.

#### *Student Conduct Process*

Any member of the University community may file charges against any student for misconduct. Charges shall be prepared in writing and directed to the Dean of Student Formation or their designee responsible for the administration of the University student conduct system. Any charge should be submitted as soon as possible after the event takes place. Any student and/or organization accused of violating a regulation has the right to due process as outlined on the following pages.

Organizations so accused will be represented in the hearing process by their president and vice president or their designee. The advisor may be present during each step of the process, but only in an advisory capacity. The advisor may not address any hearing official.

#### *Due Process*

Due process is a concept of fundamental fairness. It is not a fixed or inflexible concept unrelated to time and circumstances. The courts have preferred to define it as the “gradual process of judicial inclusion and exclusion.” Generally, due process embodies the concepts of fair play and reasonableness. In a nutshell, this means that if you adhere to the written standards of the student conduct process set forth by the Student Handbook, and these guidelines are fundamentally fair, student’s due process rights will be protected. When there are situations that are not clearly defined in a handbook, it is safest to have a higher authority clarify the issue (i.e., Dean of Student Formation.) Students whose due process rights have been compromised should be able to request a new hearing, but case dismissals on the grounds of due process are rare. Requests for a new hearing are handled through the appeal process.

#### *Record Keeping*

Academic and disciplinary records will be kept in separate locations. This minimizes the risk of improper disclosure of disciplinary information. Other than University expulsion, disciplinary sanctions shall not be made part of a student’s permanent academic record, but shall become part of the student’s confidential record kept in the Student Life Office. Cases involving the imposition of sanctions other than residence hall expulsion, University suspension, or University expulsion may be expunged from the students’ confidential record seven years after the student graduates.

#### *Hearing Procedure*

If any student is accused of a violation of any of University rules and regulations and denies violating these rules, a timely and fair hearing is guaranteed. Appropriate safeguards of the due process have been built into the procedures so that no permanent or recorded penalty shall be given until the student accused shall have had a fair chance to be heard. Appropriate appeals are also permitted.

#### *Hearing Guidelines/Student Rights*

The following procedural guidelines are established for the direction of all persons or bodies conducting formal hearings in student conduct matters:

- An appropriate University official will notify the student, through the student’s University of Dubuque email, that the student is accused of violating a policy/regulation.
- The Dean of Students Formation or their designee (usually an appropriate member of the Student Life staff,) will conduct all initial formal hearings on student conduct matters.

- The student is entitled to an expeditious hearing of the case.
- The student may admit the alleged violation and request that the official take whatever action seems appropriate.
- All hearings are private and confidential.
- In cases involving more than one student, any of the involved students may request that his or her case be heard separately.
- The hearing officer may choose to hear the cases separately.
- The student may examine written testimony of any witness (names may be withheld to protect witnesses).
- The complainant, the accused, or the hearing officer shall have the privilege of presenting witnesses.
- The student may be accompanied by an advisor of their choice at the hearing. The advisor is there only to advise the student who has been charged. The advisor may not speak on behalf of the charged student.
- The student may refuse to answer questions (without implication of admitting violation of University values, policy, or procedure).
- The student is entitled to an explanation of the reasons for any decision rendered against them.
- An appropriate sanction will be imposed as soon as possible. The student would retain the right of appeal if they felt the sanction imposed was not in keeping with the gravity of the violation.
- If the student wishes to appeal the decision, he or she may do so in writing within three (3) school days. The Appeal Letter may be delivered to the Dean of Student Formation who will either act on the appeal or forward to the appropriate party depending on the origination of the hearing decision. An appeal of a decision made by the Dean of Student Formation will be heard by the Dean of Student Engagement or another UD official, dependent upon the type of case.
- The student shall be notified of his or her right to appeal an initial decision. Should the student appeal, any judgment assessed shall be suspended until acted upon by a higher body, unless the person's actions are considered dangerous to others.

### *Student Conduct Structure*

The guidelines indicated above shall be implemented by the following: The Dean of Student Formation is responsible for the student conduct structure at the University of Dubuque. Alleged violations occurring within the resident student housing or by a resident student will most often be initially the responsibility given to a designated University official by the Dean of Student Formation. The designated University official then becomes a hearing officer. Students found in violation of University values, policies, or procedures may appeal. The appeal must follow all established guidelines as outline in this Student Handbook.

### *Process*

In cases of original jurisdiction or appeals, the accused shall be accorded the full right of due process as outlined. Hearing proceedings shall be conducted as outlined in this Student Handbook. Alleged violations of University policies or regulations shall be reported in writing to the Dean of Student Formation. The Dean, or their designee who will serve as a hearing officer, will inform the accused, in writing, of their rights of due process concerning the alleged violation and arrange for a hearing. Students found in violation of University values, policies, or procedures may appeal following the established guidelines.

Reasonable time extensions because of the accused person's inability to appear shall be granted, but normally limited to a single reschedule. A record of proceedings shall be kept including the name of the accuser and the accused involved, the violation, the decision of the hearing officer, the reasons therefore, and the sanctions imposed. Pertinent records, exhibits, and written statements may be accepted as evidence for consideration by the hearing officer.

### *Rules of Evidence*

There are varying standards of proof that are recognized in the various levels of civil proceedings. First, "substantive evidence" will most likely be required in the case before it reaches the board, meaning there must have been "enough" evidence as determined by University officials before the case would be adjudicated.

The three levels of evidence recognized in the civil courts are a "preponderance of evidence," "clear and convincing evidence," and "proof beyond a reasonable doubt."

A preponderance of evidence is when the existence of fact is more probable than not. The University of Dubuque uses this degree of evidence in order to establish responsibility or in violation. In most criminal cases, proof beyond a reasonable doubt is required to hold individuals responsible for a certain behavior. The courts have consistently viewed this degree of evidence necessary only in instances when life or liberty is at stake, thus, not requiring colleges or universities to adhere to such a strict standard.

### *Decisions*

After hearing a case (of original jurisdiction), the hearing officer shall decide whether the student has violated each of the values, policies, or procedures with which the student is charged.

Should the student be found to have violated the University values, policies, or procedures, sanctions shall be determined in accordance with the severity of a violation. The Dean of Student Formation, in consultation with other Student Life Staff may immediately suspend any student from the University and/or residence facilities when that student threatens or causes physical harm to another student, or if the behavior of that student threatens the safety of other members of the community.

### *Appeals*

Decisions may be appealed by the accused students, or complainants, within three (3) class/business days of the decision. Appeals must be in writing and delivered to the UD appeal official named in the sanction letter.

### *Grounds for Appeal*

All grounds for appeal shall be based on:

- The emergence of new evidence that was previously unavailable or unknown during the investigation or original hearing;
- The grounds that some aspect of this policy or procedure was not adequately followed that significantly impacted the outcome; or
- The sanctions imposed are substantially disproportionate to the severity of the violation or fall outside the range of sanctions the University has designated for the offense.

All appeals will be conducted in an impartial manner by either the Dean of Student Formation or a another designated Appeal Official, neither whom conducted the initial investigation, or by the Student

Conduct Board of Appeal that shall be convened for this express purpose. An appeal shall not be heard unless the accused presents a written request for an appeal which touches on one or more of the three (3) Grounds for Appeal issues. The Appeal Official or the Student Conduct Board of Appeal shall limit its inquiry to the issue(s) put forward in that complaint as these issues relate to its charge. If, in the opinion of the Appeal Official or the Student Conduct Board of Appeal, the appeal lacks merit, they have the power to refuse to accept it. If the Appeal Official or the Student Conduct Board of Appeal does accept the appeal, it shall review the reports and documentation from the original hearing.

#### *Final Decision*

After hearing an appeal, the Appeal Official or the Student Conduct Board of Appeal may decide as follows:

- Accept the original decision.
- Direct the case to be reheard if it is determined there was a failure to provide due process.
- Accept the original decision, but reduce the sanction imposed.

The decision of the designated Appeal Official or the Student Conduct Board of Appeal is final.

### **Sanctions Defined**

#### *Action Plan*

Utilizing the resources at its disposal, the University will encourage all students to examine the moral and theological components of one's life. Sanctions for violation of University values, policies, or procedures are described in the following statements. Depending on the violation(s), a student may receive one or a combination of these sanctions.

*Loss of Privilege:* Removes from the student a privilege of use, access, or participation for a specified length of time to be determined with the violation and student in mind.

#### *Loss of Representation*

Removes from the student the ability to represent the University through participation on intercollegiate sports teams (this includes, suiting up with the team or sitting with the team during official games) and in any leadership roles on University committees and recognized student clubs or organizations for the duration of the time the sanction is in effect.

#### *Responsibility Agreement*

Defines the parameters of expected behavior for a given period of time. The agreement must be prepared by the student under the supervision of the designated hearing officer and be approved by the hearing officer before implementation.

A Responsibility Agreement should be designed with the specific violation and the student in mind and may include one or more of the following:

- A written apology to another person who has been offended or harmed through violation of an institutional policy, regulation, or requirement.
- Community service in which the student seeks to act in a positive manner and contribute to the community through a specific project or activity.
- A paper designed with the specific violation and student in mind in which the student is required to research a given topic and provide a written report on the nature of their research and findings. Specific paper proposals and deadlines will be agreed upon before implementation.

- Counseling in which the student and the Dean of Student Formation, or their designee, explore the nature of the issue and the reasons behind the specific violation in order to come to a resolution regarding future behavior. When extreme behavior indicates that professional counseling may be beneficial, the student may be referred.
- Participation in a co-curricular activity designed to help the person learn self-discipline and the value of being a part of a larger community.
- Any other creative educational or corrective experience designed specifically with the violation and the student in mind.

#### *Restitution*

Is the act of returning to another person something that has been stolen, or replacing that which has been lost, removed, damaged, or taken away. This includes reimbursement for repair or replacement costs of property (including clean-up costs) and, as it relates to persons, acknowledgment of intentional or unintentional wrong doing and compensation for that grievance in a way that restores and forgives all parties.

#### *Reprimand*

Is official notice, in writing, to a student reminding him or her that an institutional policy, regulation, or requirement has been violated and warns that person that a repeat of the offense will lead to disciplinary action.

#### *Disciplinary Warning*

Serves notice to a student that their behavior has not met University standards. The period of disciplinary warning will be defined.

#### *Disciplinary Probation/Final Disciplinary Probation*

Serves notice to a student that their behavior is in serious violation of University standards. The period of disciplinary probation will be defined. If another violation occurs during this period of disciplinary probation/final disciplinary probation, the question of rendering a more severe sanction (suspension or expulsion) will be raised. A sanction of final disciplinary probation automatically places the student not in good behavioral standing which invokes the loss of representation sanction.

*Suspension from the University:* Is separation of the student from the University for a designated period of time, after which the student may reapply for admission. Any student who is readmitted to the University will be required to design a Responsibility Agreement with the Dean of Student Formation outlining behavioral expectations for a specified period of time. Normally that period of time will be a minimum of one semester and a maximum of two semesters.

#### *Expulsion from the University*

Is a permanent separation of the student from the University of Dubuque with no opportunity for re-application.

#### *Clear and Present Danger*

If, in the opinion of the Dean of Student Formation, a student is a clear and present danger to the community, the Dean, in consultation with the President of the University, may suspend a student from the University pending a student conduct hearing (process described above) and an appeal process.

### *Parent/Legal Guardian Notification Policy*

University personnel may, at times out of concern for a students' health, welfare, or in a grave emergency, (i.e. death of a student, etc.) notify parent(s)/legal guardian(s) of a student. When alcohol or drug violations of University policy occur and the student is under 21 years of age, University personnel may notify parent(s)/legal guardian(s) in writing and/or by telephone.

All students are responsible for knowing the policies, standards, and regulations that are printed in the Student Handbook and available on the UD website at:

<https://www.dbq.edu/media/CampusLife/VPofStudentLife/2019-2020-Student-Handbook.pdf>

## **Employee Disciplinary Procedures Including Sexual Assault, Domestic Violence, Dating Violence and Stalking**

The University of Dubuque has two major categories of employees: Faculty and Employee. Each of these categories of employees has distinct procedures for discipline and dismissal, which are provided below. In addition, UD has various types of at-will employees, including limited appointees. All employees may subject to one or more of the following disciplinary responses: letter of expectations, written reprimand, unpaid suspension, dismissal, demotion, revocation of responsibilities, reassignment, and retraining.

### *Faculty*

The Faculty handbook describes the faculty-related policies of the College and Graduate Programs of the University of Dubuque. It prescribes the conditions of employment of all members of the faculty, both ranked and unranked, within the College and the Graduate programs. The Faculty handbook represents College-wide policy and takes precedence over policy promulgated by departments, schools, or other units within the University, except Seminary and any new school or entity created by the Board and in accordance with the laws of the State of Iowa.

### *Disciplinary Action*

When any member of the University community violates a lawful University policy or regulation, such person shall be subject to disciplinary action by the University. If the person's behavior simultaneously violates a civil or criminal law, (State or Federal), the University may take disciplinary action independent of actions taken by civil authorities.

### *Non-reappointment*

Non-reappointment of Faculty members employed on Tenure Track contracts shall be accomplished in accordance with provisions of subsection 2.2.2. Faculty on Term contracts may be non-reappointed without notice or cause.

### *Dismissal*

The contract rights of a Faculty member may be terminated and the Faculty member dismissed from the University at any time for adequate cause. "Adequate Cause: shall mean:

- Grave moral delinquency

- Incompetence
- Persistent insubordination
- Conviction or entry of plea of guilty or no contest for a crime which, in the judgement of the Boards, renders the Faculty member unfit to perform the duties and responsibilities of a faculty member at the University
- Violation of the code of conduct set forth in Article 2.9
- Scientific misconduct
- Violation of other polices or regulations of the University which, in the judgement of the Board, renders the Faculty member unfit to perform the duties and responsibilities of a Faculty member at the University
- Plagiarism, falsification of credentials, or false reporting of research results
- Serious violation of the civil rights of a student or another University employee or an applicant for the status of student or employee
- Failure to satisfy the requirements of a prescriptive plan for performance improvement established pursuant to the provisions of Article 2.5
- Demonstrated lack of support for the Mission of the University
- Other cause which is directly and substantially related to the fitness of the person to perform the duties and responsibilities of a Faculty member at the University

#### *Procedure*

When, in the view of the President, there are substantive grounds for the dismissal of a tenured Faculty member or the dismissal of a Faculty member previous to the expiration of an appointment, the President, or his delegate, will frame with reasonable particularity a statement of charges. This step will be taken only when less drastic courses of action do not produce or promise to produce, in the judgement of the President, a remedy.

The President will initiate formal dismissal proceedings by addressing a written communication to the Faculty member information of the statement of charges, and that they will be dismissed as of a date specified in the written communication. The Faculty member will also be notified by the President that they may file a formal grievance within fifteen working days from the date of the delivery of the communication. If a grievance is filed, the grievance shall be initiated at Step 3, the burden of establishing cause shall be on the University. If no grievance is filed, the dismissal will take effect as indicated in the written communication specified above. Pending final decision, the Faculty member may be suspended, or assigned to other duties in lieu of suspension. Salary will continue during the period of suspension.

#### *Sexual Harassment*

The University's ability to achieve its mission is dependent on the cooperative efforts of its staff and employees. For cooperation to exist, an atmosphere of professionalism, marked by mutual trust and respect, is essential. It is imperative that members of this community be able to pursue their endeavors on behalf of the University in reliance on those common attributes. That atmosphere is damaged whenever the expectation of trust and common interest is abused in pursuit of personal interests which are not in concert with the interest of the University or the best interest of the co-worker.

Sexual harassment is conduct which violates these common expectations, is unprofessional, illegal and unethical. The University prohibits such conduct by any member of the staff, or by any person, organization or entity which partakes of the benefits or privileges of this institution.

Sexual harassment is defined as sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or receipt of services, (2) submission to or rejection of such conduct by an individual is used as the basis for employment or decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work or performance or creating an intimidating, hostile, or offensive working environment.

Individuals who believe they have been subject of sexual harassment may obtain redress through the established informal and formal procedures of the University. Complaints about sexual harassment will be responded to promptly. Confidentiality will be provided to the extent possible.

Any person who, or entity which engages in sexual harassment will be subject to discipline or debarment in accordance with the policies and procedures of the University.

Supervisory employees are required, as a condition of their employment, to enforce this policy statement by seeking to eliminate sexual harassment in the work environment under their jurisdiction, by reporting incidents of sexual harassment to the Human Resources Office, and by periodically informing supervised employees about this policy statement and their obligations hereunder.

Employees are prohibited from engaging in acts of sexual harassment directed toward other employees, or individuals associated with the University. Employees have the right to be free from sexual harassment during the course and scope of their employment or engagement in activities at the University. Employees are encouraged to remind other employees of the policy of the University prohibiting sexual harassment and to report incidents of sexual harassment to their supervisor and/or the Human Resources Office.

Students are required, as a condition of their enrollment at or participation in activities of University, to abide by this policy statement and prohibitions against sexual misconduct contained in the Student Conduct Code. Students have the right to be free from sexual harassment during the pursuit of their educational and social activities at the University. Students are encouraged to report incidents of sexual harassment to Dean of Student Life.

Clubs, associations and other organizations (and their members) affiliated with or partaking of the benefits, services or privileges afforded by the University are required to abide by this policy in the conduct of their University-related programs and activities.

Faculty members or other instructional personnel are prohibited from making or participating in decisions affecting a student's progress or standing or which may reward or penalize a student with whom the employee has, or has had, a sexual or romantic relationship.

### *Employee*

As an employee of The University of Dubuque (“University”), you play an important role in the growth and success of the University. This University of Dubuque Employee Handbook (“Handbook”) is designed to provide general information regarding the University, as well as the University’s policies, procedures, guidelines, and expectations relating to employee conduct and interaction between the University and its employees as influenced by law, common practice or University preference. From time to time, may receive updated information concerning changes in policy. If you have questions regarding any policies or procedures, please contact your department manager or the Director of Human Resources for assistance.

Subject to the following sentence, all employment with University of Dubuque is of an “AT-WILL” nature and may be terminated by the employee or the University at any time for any cause or no cause, with or without advance notice or warning. The AT-WILL nature of any University employee’s employment can only be modified by written agreement signed by the University President and the subject employee.

This policy negates any prior statements, agreements, practices, policies, and oral or written representation that University of Dubuque would employ any employee other than on an AT-WILL basis. None of the policies in this Handbook, or otherwise, are to be construed as a contractual obligation of the University to employ an employee for a specific term or to terminate an employee only for cause.

### *Non-Discrimination, Anti-Harassment and Retaliation Policy*

The University of Dubuque is committed to maintaining a work environment in which people are treated with dignity, decency and respect. This commitment is central to the University’s mission and purpose. Accordingly, the University has developed this Non-Discrimination, Anti-Harassment and Retaliation Policy for enforcement at all levels in order to create an environment free from discrimination, harassment, retaliation and/or sexual assault.

Discrimination or harassment based on race, creed, color, national origin, pregnancy, childbirth, sex, disability, religion, gender and/or gender identity, age, genetic information, sexual orientation, AIDS/HIV, veteran or military status, or on any other legally prohibited basis is unlawful and undermines the character and purpose of the University. Such discrimination or harassment will not be tolerated and through enforcement of this policy and by education of employees, the company will seek to prevent, correct and discipline behavior that violates this policy.

All employees of the University, regardless of their positions, are covered by and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur, even in those circumstances where the alleged wrongdoer is not a University employee. Any form of retaliation against a person that has complained of or formally reported discrimination, harassment, or sexual assault, or has participated in an investigation of such a complaint, regardless of whether the complaint relates to the complaining person or someone else, will not be tolerated, and violates both this policy and applicable law.

### *Prohibited Conduct Under This Policy*

#### Discrimination:

- It is a violation of this policy to discriminate in the provision of employment opportunities, terms, conditions, benefits or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person's race, creed, color, national origin, pregnancy, childbirth, sex, disability, religion, gender and/or gender identity, age, genetic information, sexual orientation, AIDS/HIV, veteran or military status.
- Discrimination of this kind also may be strictly prohibited by a variety of federal, state and local laws, including Title VII of the Civil Rights Act 1964, the Age Discrimination Act of 1975, and the Americans with Disabilities Act of 1990. This policy is intended to comply with the prohibitions stated in these antidiscrimination laws.
- Discrimination in violation of this policy will be subject to severe sanctions up to and including termination.

#### *Harassment*

Harassment, including sexual harassment, is prohibited by federal and state laws. This policy prohibits harassment of any kind, and the University will take appropriate action swiftly to address any violations of this policy. The definition of harassment is verbal or physical conduct designed to threaten, intimidate or coerce. Also, verbal taunting that, in the employee's opinion, impairs his or her ability to perform his or her job. Examples of harassment include, but are not limited to, the following:

- Offensive or degrading remarks, verbal abuse, or other hostile behavior such as insulting, teasing, mocking, degrading or ridiculing another person or group;
- Racial slurs, derogatory remarks about a person's accent, or display of racially offensive symbols;
- Unwelcome or inappropriate physical contact, comments, questions, intimate or sexual advances, jokes, epithets or demands;
- Physical assault or stalking;
- Displays or electronic transmission of derogatory, demeaning or hostile materials; and
- Unwillingness to train, evaluate, assist, or work with an employee.

#### *Sexual Harassment*

Sexual harassment in any form is prohibited under this policy. Sexual harassment is a form of discrimination and is unlawful under Title VII of the Civil Rights Act of 1964. Sexual harassment includes unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, when such conduct:

- Is made explicitly or implicitly a term or condition of employment.
- Is used as a basis for an employment decision.
- Unreasonably interferes with an employee's work performance or creates an intimidating, hostile or otherwise offensive environment.

Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature. It refers to behavior that is unwelcome, that is personally offensive, which lowers morale and therefore interferes with work effectiveness. Persons experiencing unwelcome or personally offensive conduct are strenuously encouraged to contemporaneously object to such conduct as the most effective way to

notify the wrongdoer and any observers. Examples of conduct that may constitute sexual harassment are:

- Verbal: Sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks, threats, repeated unwelcome requests for dates.
- Nonverbal: The distribution, display or discussion of any written or graphic material, including calendars, posters, or cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters and notes, facsimiles, email, photos, videos, text messages, Internet postings, etc., that is sexual in nature.
- Physical: Unwelcome, unwanted physical contact, including but not limited to touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling; forced sexual intercourse or assault.

#### *Retaliation*

No hardship, no loss or benefit, and no penalty may be imposed on an employee as punishment for:

- Filing or responding to a bona fide complaint of discrimination or harassment.
- Appearing as a witness in the investigation of a complaint.
- Serving as an investigator.

Retaliation or attempted retaliation is a violation of this policy and anyone who does so will be subject to severe sanctions up to and including termination.

#### *Reporting Alleged Discrimination, Harassment, or Retaliation (“Wrongful Conduct”)*

Any employee who believes that they has been a victim of Wrongful Conduct prohibited by this policy, or any employee who has witnessed such Wrongful Conduct, should immediately:

#### *Inform*

Clearly inform the alleged wrongdoer that their behavior is offensive, unwelcomed and/or otherwise discriminatory and to stop such behavior immediately. If the employee believes that they cannot talk to the alleged wrongdoer, the employee should inform the Director of Human Resources or any member of management.

#### *Filing of a Complaint*

File a written complaint of all Wrongful Conduct immediately to the Director of Human Resources, unless the employee believes it is inappropriate under the circumstances to submit a written complaint to the Director of Human Resources or the Director of Human Resources is unavailable, in which case the employee may submit the written complaint to the VP of Finance with an explanation for submitting the written complaint through such alternative means. No formal action will be taken by the University until a written complaint is filed. The written complaint must include any of the following elements that apply to the circumstances surrounding the Wrongful Conduct:

- Name of filer
- Name of victim (if different from filer)
- Name of wrongdoer(s)

- Identification of the specific type of Wrongful Conduct at issue (e.g. “retaliation for filing a written complaint of sexual harassment,” “denial of employment benefits based on race discrimination,” etc.)
- Date(s) or range of dates on which the Wrongful Conduct occurred and whether it is continuing
- The location(s) of the Wrongful Conduct
- A list of other witnesses and contact information (if available)
- A list and copies of relevant documents (if available)
- Any other information that the employee believes would be helpful in understanding the Wrongful Conduct or would be assistive in an investigation

The filer must sign and date the written complaint. Complaints should be submitted as soon as possible after the Wrongful Conduct occurs or there is a much greater chance that the Wrongful Conduct will continue.

### *Investigation*

All Wrongful Conduct will be quickly and discreetly investigated by the Director of Human Resources or their designee. The investigation will include interviews of, and/or requests for written responses to questions directed to, the alleged victim(s) and wrongdoer(s), as well as any witnesses that assent to such participation. The investigator will also request copies of documents, communications and other evidence identified during the course of the investigation. The investigator will create and the Director of Human Resources will maintain an investigatory file on all such matters in the Office of Human Resources and separate from employee personnel files. The investigatory file will consist of the initial written complaint, the final investigative report and any recommendations, a record of the remedial or disciplinary action taken (or to be taken), if any, and any documents created or used during, or otherwise relevant to, the investigation.

To the extent reasonably possible confidentiality will be maintained by the University relating to any reported victims, witnesses and wrongdoers, and will be only be disclosed as necessary to perform a comprehensive and complete investigation, identify and implement appropriate remedial or disciplinary actions, support any subsequent grievance actions (as applicable), and comply with applicable law. A final investigative report will be prepared by the investigator and other appropriate University personnel and shall conclude whether a violation of this policy occurred and recommend organizational changes as necessary to reduce the likelihood of recurrence of the Wrongful Conduct (if applicable). The final investigative report will include a statement of remedial and/or disciplinary action to be implemented against the wrongdoer(s), or the victim(s) (in the case of a fabricated complaint), if warranted. Depending on the circumstances, disciplinary action may include (but is not limited to): reprimand, counseling, training, censure, removal of privileges, letters of warning or suspension, and dismissal. Discipline for a violation of this policy need not be progressive, so a first violation of this policy may warrant suspension or discharge.

### **State of Iowa Crime Statutes and Definitions**

The Clery Act and the Violence Against Women Act mandate that the University of Dubuque provide domestic violence, dating violence, sexual assault and/or stalking definitions applicable in its jurisdiction. Iowa Code recognize that sexual assault, domestic violence, dating violence, and/or stalking are serious criminal offenses. It is important for all members of the University of Dubuque community to

understand how these offenses are defined in law and to be aware of the penalties. Excerpted below are the definitions and penalties of sexual assault, domestic/dating violence and stalking. Also included are the definitions of consent, sexual contact, and sexual intercourse.

For more information on Iowa state law, visit: <https://www.legis.iowa.gov/docs/code/709.pdf>

Iowa Age of Consent Laws 2018, visit: <https://www.ageofconsent.net/states/iowa>

Clery Act definitions of sexual assault, domestic violence, dating violence and stalking can be found at: <https://www.gpo.gov/fdsys/pkg/CFR-2015-title34-vol3/xml/CFR-2015-title34-vol3-sec668-46.xml>.

### *709.1 Sexual abuse defined.*

Any sex act between persons is sexual abuse by either of the persons when the act is performed with the other person in any of the following circumstances:

1. The act is done by force or against the will of the other. If the consent or acquiescence of the other is procured by threats of violence toward any person or if the act is done while the other is under the influence of a drug inducing sleep or is otherwise in a state of unconsciousness, the act is done against the will of the other.
2. Such other person is suffering from a mental defect or incapacity which precludes giving consent, or lacks the mental capacity to know the right and wrong of conduct in sexual matters.
3. Such other person is a child.

[C51, §2581, 2583; R60, §4204, 4206; C73, §3861, 3863; C97, §4756, 4758; C24, 27, 31, 35, 39, §**12966, 12967**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §698.1, 698.3; C79, 81, §709.1] 84 Acts, ch 1188, §1; 99 Acts, ch 159, §1

Referred to in §232.116, 600A.8, 611.23, 614.1, 668.15, 692A.101, 692A.102, 713.3, 915.40  
Definition of sex act, §702.17

### *709.1A Incapacitation.*

As used in this chapter, “incapacitated” means a person is disabled or deprived of ability, as follows:

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

99 Acts, ch 159, §2

### *709.2 Sexual abuse in the first degree.*

A person commits sexual abuse in the first degree when in the course of committing sexual abuse the person causes another serious injury. Sexual abuse in the first degree is a class “A” felony.

[C51, §2581; R60, §4204; C73, §3861; C97, §4756; C24, 27, 31, 35, 39, §12966; C46, 50, 54,

58, 62, 66, 71, 73, 75, 77, §698.1; C79, 81, §709.2]

Referred to in §321.375, 664A.2, 692A.101, 692A.102, 709.19, 903B.10

Definition of forcible felony, §702.11

Sentencing restrictions for forcible felonies and mandatory reporters of child abuse, see §907.3

#### *709.3 Sexual abuse in the second degree.*

1. A person commits sexual abuse in the second degree when the person commits sexual abuse under any of the following circumstances:
  - a) 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.
  - b) The other person is under the age of twelve.
  - c) 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.
2. Sexual abuse in the second degree is a class "B" felony.

[C51, §2581; R60, §4204; C73, §3861; C97, §4756; C24, 27, 31, 35, 39, §12966; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §698.1; C79, 81, §709.3]

84 Acts, ch 1188, §2; 99 Acts, ch 159, §3; 2013 Acts, ch 90, §228

Referred to in §321.375, 664A.2, 692A.101, 692A.102, 709.19, 901A.2, 902.12, 902.14, 903B.10, 906.15

Definition of forcible felony, §702.11

Definition of sex act, §702.17

Sentencing restrictions for forcible felonies and mandatory reporters of child abuse, see §907.3

#### *709.4 Sexual abuse in the third degree.*

1. A person commits sexual abuse in the third degree when the person performs a sex act under any of the following circumstances:
  - a) 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.
  - b) 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) The other person is twelve or thirteen years of age.
    - 3) The other person is fourteen or fifteen years of age and any of the following are true:
      - i. The person is a member of the same household as the other person.
      - ii. The person is related to the other person by blood or affinity to the fourth degree.
      - iii. The person is in a position of authority over the other person and uses that authority to coerce the other person to submit.
      - iv. The person is four or more years older than the other person.

- c) 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, prevents 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.
- d) The act is performed while the other person is mentally incapacitated, physically incapacitated, or physically helpless.

2. Sexual abuse in the third degree is a class “C” felony.

[C51, §2581, 2583; R60, §4204, 4206; C73, §3861, 3863; C97, §4756, 4758; C24, 27, 31, 35, 39, §12966, 12967; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §698.1, 698.3; C79, 81, §709.4] 89 Acts, ch 138, §3; 94 Acts, ch 1128, §1; 97 Acts, ch 78, §1; 99 Acts, ch 159, §4; 2013 Acts, ch 30, §201

Referred to in §321.375, 664A.2, 692A.101, 692A.102, 692A.121, 702.11, 709.19, 902.14, 903B.10, 906.15

Definition of forcible felony, see §702.11

*709.5 Resistance to sexual abuse.*

Under the provisions of this chapter it shall not be necessary to establish physical resistance by a person in order to establish that an act of sexual abuse was committed by force or against the will of the person. However, the circumstances surrounding the commission of the act may be considered in determining whether or not the act was done by force or against the will of the other.

[C79, 81, §709.5]

99 Acts, ch 159, §5

*Iowa Age Of Consent Law:*

Section 709.4 A person commits sexual abuse in the third degree when the person performs a sex act under any of the following circumstances... 2(c) The other person is fourteen or fifteen years of age and any of the following are true...(4) The person is four or more years older than the other person.

Section 709.15 forbids sexual intercourse between a school employee and person who is currently enrolled in or attending a public or nonpublic elementary or secondary school, or who was a student enrolled in or who attended a public or nonpublic elementary or secondary school within thirty days of any violation

The Iowa Age of Consent is 16 years old. In the United States, the age of consent is the minimum age at which an individual is considered legally old enough to consent to participation in sexual activity. Individuals aged 15 or younger in Iowa are not legally able to consent to sexual activity, and such activity may result in prosecution for statutory rape.

Iowa statutory rape law is violated when a person has consensual sexual intercourse with an individual under age 16. A close in age exemption allows teens aged 14 and 15 to consent to partners less than 4

years older. Regardless of age, it is also illegal for a school employee to engage in sexual intercourse with a current student or even a student who attended school within 30 days of such a violation.

Iowa has a close-in-age exemption. A close in age exemption, also known as "Romeo and Juliet law", is designed to prevent the prosecution of underage couples who engage in consensual sex when both participants are significantly close in age to each other, and one or both are below the age of consent.

Depending on the situation, the Iowa close-in-age exemption may completely exempt qualifying close-in-age couples from the age of consent law, or merely provide a legal defense that can be used in the event of prosecution.

*Punishments for Violating the Age Of Consent in Iowa*

Iowa has seven statutory sexual abuse charges on the books which are used to prosecute age of consent and child abuse related crimes within the state. One or more of these charges may be used to prosecute violations of the Iowa Age of Consent, as statutory rape or the Iowa equivalent of that charge.

The severity of the criminal charge (felony, misdemeanor, etc.) depends on the specifics of the acts committed and the relative ages of the perpetrator and victim. Click any charge for more detailed information.

<b>Criminal Charge</b>	<b>Severity</b>	<b>Punishment</b>
Indecent contact with a child	Aggravated misdemeanor	Up to 1 year in prison
Lascivious acts with a child	Class C felony; Class D felony	Up to 5 years in prison
Lascivious conduct with a minor	Serious misdemeanor	Up to one year in jail and a maximum fine of \$1,875
Sexual abuse- second degree	Class B felony	Up to 25 years in prison
Sexual exploit of a minor	Class C felony	Up to 10 years in prison
Sexual exploitation of a minor	Class C felony	Up to 10 years in prison
Sexual misconduct with offenders and juveniles	Aggravated Misdemeanor	Up to 1 year in prison

*708.2A Domestic abuse assault — mandatory minimums, penalties enhanced — extension of no-contact order.*

1. For the purposes of this chapter, “domestic abuse assault” means an assault, as defined in section 708.1, which is domestic abuse as defined in section 236.2, subsection 2, paragraph “a”, “b”, “c”, or “d”.
2. On a first offense of domestic abuse assault, the person commits:
  - a) A simple misdemeanor for a domestic abuse assault, except as otherwise provided.
  - b) A serious misdemeanor, if the domestic abuse assault causes bodily injury or mental illness.
  - c) An aggravated misdemeanor, if the domestic abuse assault is committed with the intent to inflict a serious injury upon another, or if the person uses or displays a dangerous weapon in connection with the assault. This paragraph does not apply if section 708.6 or 708.8 applies.
  - d) An aggravated misdemeanor, if the domestic abuse assault is committed by knowingly impeding the normal breathing or circulation of the blood of another by applying pressure to the throat or neck of the other person or by obstructing the nose or mouth of the other person.
3. Except as otherwise provided in subsection 2, on a second domestic abuse assault, a person commits:
  - a) A serious misdemeanor, if the first offense was classified as a simple misdemeanor, and the second offense would otherwise be classified as a simple misdemeanor.
  - b) An aggravated misdemeanor, if the first offense was classified as a simple or aggravated misdemeanor, and the second offense would otherwise be classified as a serious misdemeanor, or the first offense was classified as a serious or aggravated misdemeanor, and the second offense would otherwise be classified as a simple or serious misdemeanor.
4. On a third or subsequent offense of domestic abuse assault, a person commits a class “D” felony.
5. For a domestic abuse assault committed by knowingly impeding the normal breathing or circulation of the blood of another by applying pressure to the throat or neck of the other person or by obstructing the nose or mouth of the other person, and causing bodily injury, the person commits a class “D” felony.
6. a) conviction for, deferred judgment for, or plea of guilty to, a violation of this section which occurred more than twelve years prior to the date of the violation charged shall not be considered in determining that the violation charged is a second or subsequent offense.  
b) For the purpose of determining if a violation charged is a second or subsequent offense, deferred judgments issued pursuant to section 907.3 for violations of section 708.2 or this section, which were issued on domestic abuse assaults, and convictions or the equivalent of deferred judgments for violations in any other states under statutes substantially corresponding to this section shall be counted as previous offenses. The courts shall judicially notice the statutes of other states which define offenses substantially equivalent to the offenses defined in this section and can therefore be considered corresponding statutes. Each previous violation on which conviction or deferral of judgment was entered prior to the date of the offense charged shall be considered and counted as a separate previous offense.

- c) An offense shall be considered a prior offense regardless of whether it was committed upon the same victim.
7. a) A person convicted of violating subsection 2 or 3 shall serve a minimum term of two days of the sentence imposed by law, and shall not be eligible for suspension of the minimum sentence. The minimum term shall be served on consecutive days. The court shall not impose a fine in lieu of the minimum sentence, although a fine may be imposed in addition to the minimum sentence. This section does not prohibit the court from sentencing and the person from serving the maximum term of confinement or from paying the maximum fine permitted pursuant to chapters 902 and 903, and does not prohibit the court from entering a deferred judgment or sentence pursuant to section 907.3, if the person has not previously received a deferred sentence or judgment for a violation of section 708.2 or this section which was issued on a domestic abuse assault.
    - b) A person convicted of a violation referred to in subsection 4 shall be sentenced as provided under section 902.13.8.
  8. If a person is convicted for, receives a deferred judgment for, or pleads guilty to a violation of this section, the court shall modify the no-contact order issued upon initial appearance in the manner provided in section 664A.5, regardless of whether the person is placed on probation.
  9. The clerk of the district court shall provide notice and copies of a judgment entered under this section to the applicable law enforcement agencies and the twenty-four hour dispatcher for the law enforcement agencies, in the manner provided for protective orders under section 236.5. The clerk shall provide notice and copies of modifications of the judgment in the same manner.
  10. In addition to the mandatory minimum term of confinement imposed by subsection 7, paragraph "a", the court shall order a person convicted under subsection 2 or 3 to participate in a batterers' treatment program as required under section 708.2B. In addition, as a condition of deferring judgment or sentence pursuant to section 907.3, the court shall order the person to participate in a batterers' treatment program. The clerk of the district court shall send a copy of the judgment or deferred judgment to the judicial district department of correctional services.

87 Acts, ch 154, §9, 91 Acts, ch 218, §27, 91 Acts, ch 219, §19, 20, 92 Acts, ch 1163, §118, 93 Acts, ch 157, §9, 94 Acts, ch 1093, §2, 95 Acts, ch 90, §1, 96 Acts, ch 1131, §3, 97 Acts, ch 33, §14, 98 Acts, ch 1192, §1, 99 Acts, ch 65, §4, 99 Acts, ch 114, §45, 2002 Acts, ch 1004, §4, 2006 Acts, ch 1101, §13, 14, 2012 Acts, ch 1002, §4, 5, 2013 Acts, ch 30, §249, 2017 Acts, ch 83, §1 Referred to in 9E.2, 232.22, 232.52, 236.12, 236.18, 598.16, 598.41, 598C.305, 600A.8, 664A.1, 664A.2, 664A.6, 664A.7, 702.11, 708.2B, 902.13, 905.16, 907.3, 911.2B, 915.22  
Subsection 7, paragraph b stricken and rewritten

#### *708.11 Stalking.*

1. As used in this section, unless the context otherwise requires:
  - a) "Accompanying offense" means any public offense committed as part of the course of conduct engaged in while committing the offense of stalking.
  - b) "Course of conduct" means repeatedly maintaining a visual or physical proximity to a person without legitimate purpose, repeatedly utilizing a technological device to locate,

listen to, or watch a person without legitimate purpose, or repeatedly conveying oral or written threats, threats implied by conduct, or a combination thereof, directed at or toward a person.

- c) "Immediate family member" means a spouse, parent, child, sibling, or any other person who regularly resides in the household of a specific person, or who within the prior six months regularly resided in the household of a specific person.
- d) "Repeatedly" means on two or more occasions.

2. A person commits stalking when all of the following occur:

- 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.
- 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.

3.a. A person who commits stalking in violation of this section commits a class "C" felony for a third or subsequent offense.

b. A person who commits stalking in violation of this section commits a class "D" felony if any of the following apply:

- i. The person commits stalking while subject to restrictions contained in a criminal or civil protective order or injunction, or any other court order which prohibits contact between the person and the victim, or while subject to restrictions contained in a criminal or civil protective order or injunction or other court order which prohibits contact between the person and another person against whom the person has committed a public offense.
- ii. The person commits stalking while in possession of a dangerous weapon, as defined in section 702.7.
- iii. The person commits stalking by directing a course of conduct at a specific person who is under eighteen years of age.
- iv. The offense is a second offense.

c. A person who commits stalking in violation of this section commits an aggravated misdemeanor if the offense is a first offense which is not included in paragraph "b".

4. Violations of this section and accompanying offenses shall be considered prior offenses for the purpose of determining whether an offense is a second or subsequent offense. A conviction for, deferred judgment for, or plea of guilty to a violation of this section or an accompanying offense which occurred at any time prior to the date of the violation charged shall be considered in determining that the violation charged is a second or subsequent offense. Deferred judgments pursuant to section 907.3 for violations of this section or accompanying offenses and convictions or the equivalent of deferred judgments for violations in any other states under statutes substantially corresponding to this section or accompanying offenses shall be counted

as previous offenses. The courts shall judicially notice the statutes of other states which define offenses substantially equivalent to the offenses defined in this section and its accompanying offenses and can therefore be considered corresponding statutes. Each previous violation of this section or an accompanying offense on which conviction or deferral of judgment was entered prior to the date of the violation charged shall be considered and counted as a separate previous offense. In addition, however, accompanying offenses committed as part of the course of conduct engaged in while committing the violation of stalking charged shall be considered prior offenses for the purpose of that violation, even though the accompanying offenses occurred at approximately the same time. An offense shall be considered a second or subsequent offense regardless of whether it was committed upon the same person who was the victim of any other previous offense.

5. Notwithstanding section 804.1, rule of criminal procedure 2.7, Iowa court rules, or any other provision of law to the contrary, upon the filing of a complaint and a finding of probable cause to believe an offense has been committed in violation of this section, or after the filing of an indictment or information alleging a violation of this section, the court shall issue an arrest warrant, rather than a citation or summons. A peace officer shall not issue a citation in lieu of arrest for a violation of this section. Notwithstanding section 804.21 or any other provision of law to the contrary, a person arrested for stalking shall be immediately taken into custody and shall not be released pursuant to pretrial release guidelines, a bond schedule, or any similar device, until after the initial appearance before a magistrate. In establishing the conditions of release, the magistrate may consider the defendant's prior criminal history, in addition to the other factors provided in section 811.2.
6. For purposes of determining whether or not the person should register as a sex offender pursuant to the provisions of chapter 692A, the fact finder shall make a determination as provided in section 692A.126.

92 Acts, ch 1179, §1, 94 Acts, ch 1093, §4, 98 Acts, ch 1021, §4, 2002 Acts, ch 1119, §106, 2009 Acts, ch 119, §54, 2017 Acts, ch 83, §2, 3  
Referred to in 9E.2, 664A.2, 692.22, 692A.102, 692A.126, 805.1, 811.1, 911.2B  
Subsection 1, paragraph b amended  
Subsection 2 amended

*Iowa Code defines Stalking as the following:*

A person commits stalking when all of the following occur:

- 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.
- 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.

“Course of conduct” means repeatedly maintaining a visual or physical proximity to a person without legitimate purpose, repeatedly utilizing a technological device to locate, listen to, or watch a person without legitimate purpose, or repeatedly conveying oral or written threats, threats implied by conduct, or a combination thereof, directed at or toward a person.

“Repeatedly” means on two or more occasions.

## **Sexual Harassment**

The University of Dubuque is committed to providing a learning, working, and living environment that promotes personal integrity, civility, and mutual respect in an environment free of discrimination on the basis of sex; which includes all forms of sexual misconduct. Sexual misconduct violates an individual’s fundamental rights and personal dignity. The University of Dubuque considers sexual misconduct in all its forms to be a serious offense. This policy refers to all forms of sexual misconduct, including but not limited to: sexual discrimination, sexual harassment, sexual assault, and sexual violence by employees, students, or third parties. Title IX of the Education Amendments of 1972 prohibits discrimination based on sex in educational programs and activities that receive federal financial assistance. To ensure compliance with Title IX and other federal and state civil rights laws, the University has developed policies and procedures that prohibit sexual misconduct in all of its forms.

### *Iowa Law*

19B.12 Sexual harassment prohibited.

A state employee shall not sexually harass another state employee, a person in the care or custody of the state employee or a state institution, or a person attending a state educational institution. This section applies to full-time, part-time, or temporary employees, to inpatients and outpatients, and to full-time or part-time students.

1. An employee in a supervisory position shall not threaten or insinuate, explicitly or implicitly, that another employee’s refusal to submit to sexual advances will adversely affect the employee’s employment, evaluation, salary advancement, job assignments, or other terms, conditions, or privileges of employment.
2. An employee shall not discriminate against another state employee, a person in the care or custody of the employee or a state institution, or a person attending a state educational institution based on sex or create an intimidating, hostile, or offensive working environment in a state work, educational, or correctional situation.
3. a. As used in this section, “sexual harassment” means persistent, repetitive, or highly egregious conduct directed at a specific individual or group of individuals that a reasonable person would interpret as intentional harassment of a sexual nature, taking into consideration the full context in which the conduct occurs, which conduct threatens to impair the ability of a person to perform the duties of employment, or otherwise function normally within an institution responsible for the person’s care, rehabilitation, education, or training.  
b. “Sexual harassment” may include, but is not limited to, the following:

- (1) Unsolicited sexual advances by a person toward another person who has clearly communicated the other person's desire not to be the subject of those advances.
  - (2) Sexual advances or propositions made by a person having superior authority toward another person within the workplace or institution.
  - (3) Instances of offensive sexual remarks or speech or graphic sexual displays directed at a person in the workplace or institution, who has clearly communicated the person's objection to that conduct, and where the person is not free to avoid that conduct due to the requirements of the employment or the confines or operations of the institution.
  - (4) Dress requirements that bear no relation to the person's employment responsibilities or institutional status.
4. The department of administrative services for all state agencies, and the state board of regents for its institutions, shall adopt rules and appropriate internal, confidential grievance procedures to implement this section, and shall adopt procedures for determining violations of this section and for ordering appropriate dispositions that may include, but are not limited to, discharge, suspension, or reduction in rank or grade as defined in section 8A.413, subsection 18.
  5. The department of administrative services shall develop for all state agencies, and all state agencies shall distribute at the time of hiring or orientation, a guide for employees that describes the applicable sexual harassment prohibitions and grievance, violation, and disposition procedures.
  6. The state board of regents shall develop, and direct the institutions under its control to distribute at the time of hiring, registration, admission, or orientation, a guide for employees, students, and patients that describes the applicable sexual harassment prohibitions and grievance, violation, and disposition procedures.
  7. This section does not supersede a provision of a collective bargaining agreement negotiated under chapter 20, or the grievance procedures provisions of chapter 20.
  8. This section does not supersede the remedies provided under chapter 216.

1992 Acts, ch 1086, §3; 2003 Acts, ch 145, §143,286; 2008 Acts, ch 1031, §98  
Referred to in 2.11, 2.42, 602.1401

### **University of Dubuque Alcohol and Drug Resource Information, Policy, and Laws**

Summary per <https://safesupportivelearning.ed.gov/sites/default/files/hec/product/dfscr.pdf>

The Drug-Free Schools and Campuses Regulations (EDGAR Part 86) lay out several requirements with which all IHEs receiving any form of federal funding must comply, one of which is a biennial review. The regulations' structure and format provide enough flexibility that a campus can tailor its biennial review and report to suit the particular circumstances of the campus and provide a springboard for a thorough review, evaluation, and adaptation of its AOD prevention program.

To comply with the Part 86 regulations, IHEs must notify all students and employees annually of certain information. The notification must include the following: (1) standards of conduct; (2) possible legal sanctions and penalties; (3) statements of the health risks associated with AOD abuse; (4) the IHE's AOD programs available to students, staff, and faculty; and (5) disciplinary sanctions for violations of the

standards of conduct. IHEs must make the notification in writing and in a manner that ensures all students and employees receive it.

**Biennial Review Content of Review.** To comply with the regulations, every two years an IHE must conduct a review of its AOD program to determine effectiveness and the consistency of sanction enforcement, in order to identify and implement any necessary changes. The Department of Education recommends that IHEs conduct the biennial review in even-numbered years and focus their report on the two preceding academic years.

**Format of Report.** The regulations do not specify how IHEs must conduct their reviews or how they should structure their reports. IHEs therefore have leeway to conduct their reviews in ways that best meet the needs and circumstances of their campuses. Many campuses that have conducted successful and productive biennial reviews have included program inventories, policy inventories, and enforcement analyses. Their reports have included supporting documentation for each of these categories, such as descriptions or copies of the programs and policies, procedures for annual notifications, and descriptions of and supporting documentation for the means of assessing program effectiveness and enforcement consistency. Campuses often call together a broad-based task force or committee to conduct this review.

### **Standards of Conduct Prohibiting the Unlawful Possession, Use, or Distribution of Illicit Drugs and Alcohol by Students and Employees**

#### *University Policy*

*The following is the University policy regarding the use of alcohol, drugs and tobacco*

Students are expected to abide by all Iowa state laws and statutes regarding the use, possession, distribution, and consumption of alcoholic beverages. In order to consume alcohol legally in the state of Iowa, you must be 21 years of age.

Alcohol use, possession, distribution, and/or consumption or possession of an alcohol container on the University campus or at any activity off-campus that is sponsored by any University organization, department or group is strictly prohibited. The President, or appropriate designee, may approve exceptions to this prohibition to allow possession or consumption of alcoholic beverages by persons of legal drinking age at designated special events. For clarification regarding this policy, please contact the Dean of Student Formation. No alcoholic beverages may be present at any activity for the purpose of initiation, admission into, affiliation with, or as a condition of continued membership.

Illegal drug use, possession, and distribution (including the abuse of prescription or over-the-counter drugs) and any paraphernalia related to illegal use, is prohibited.

University personnel may, at times of concern for a student's welfare, notify a parent(s)/legal guardian(s) of a student under 21 years of age in writing and/or by phone when alcohol or drug violations of University policy occur.

The Iowa Clean Air Act bans the use of tobacco in all indoor and outdoor spaces on the campus. For details, please refer to the section on Tobacco in the Student Handbook. Here is the link to State of Iowa information: <https://abd.iowa.gov/tobacco/smokefree-air-act>

No advertising may be displayed that explicitly or implicitly invites students to events where alcohol will be served.

**Student Conduct, Process and Procedures:** The University reserves the right to implement its student conduct system for illegal acts of local, state and federal laws, wherever these acts are committed, and for violations of University policies. Nothing contained herein should be deemed a limitation upon the expressed and implied powers or duties of the University of Dubuque's Board of Trustees or the Administrative Officers of the University.

*OVERVIEW PROCESS AND PROCEDURES for Graduate, Seminary, and LIFE Students – See Specific information provided in your program handbook.*

#### *Action Plan*

The University will resolve its conflicts with justice and compassion. The following student conduct process and procedures will be utilized for UD students for violations of UD values, policies, and procedures. Violations by Seminary students will be handled through the Seminary discipline processes as outlined in the Seminary section.

#### *Definitions*

**Hearing Officer:** A UD official who has been given the authority by the Dean of Student Formation to conduct a student conduct hearing.

**Student Conduct Appeals Board:** The group authorized to consider, for hearings conducted by the Dean of Student Formation, an appeal on the grounds of failure to receive due process and/or the sanction imposed was excessive.

#### *Mission*

The Mission of the Student Conduct Program at the University of Dubuque is the teaching of appropriate individual and group behavior, as well as protecting the campus community from disruption and harm. The program is designed to foster the ethical, moral, and spiritual development and personal integrity of students in the promotion of an environment that is in accord with the overall Mission and Values of the University.

#### *Goals*

Develop, disseminate, interpret, and enforce campus policies and regulations.

Protect relevant legal rights of students.

Address student conduct in an effective and efficient manner.

Facilitate and encourage respect for campus governance.

Provide learning experiences for students who participate in the operations of the student conduct system.

### *Philosophy*

The basic student conduct philosophy at the University of Dubuque is one of education and focuses on the growth and development of students. Individuals charged with violating the values, policies, and procedures of the UD are educated to accept responsibility and consequences for those actions, respect the rights of others, and develop self-discipline.

It should be understood that there is a fundamental difference between the nature of student discipline and that of criminal law. Regardless of the type of proceeding used, the disciplining of students must be consistent with the educational mission of the University. For this reason, the procedures employed and types of sanctions used on campus seldom resemble those used in the criminal process. Although students' rights to due process and fairness must be carefully protected, the rules of criminal law are neither required nor necessary to achieve the educational goals of University discipline. Therefore, legal counsel will only be allowed to participate or observe as an advisor in any student conduct proceeding at the University of Dubuque.

### *Responsibility*

The formal responsibility for student conduct rests with, and has been delegated to, Dean of Student Formation by the President. Responsibility for the student conduct process within the residence units has been further delegated by the Dean of Student Formation to the Assistant Dean/Director of Residence Life. Whether the discipline case is processed by the Assistant Dean/Director of Residence Life, the Dean of Student Formation, or another designated hearing officer, the end goal remains the same: to redirect behavior into acceptable patterns and to protect the rights of all students.

### *Authority: Institutional*

The primary authority for campus student conduct programs is the responsibility of the Dean of Student Formation. Violations of University academic policies are under the primary authority of the Vice President for Academic Affairs. Please see the Values Violations section for possible sanctions regarding academic violations.

### *Authority: Civil/Criminal*

Activities of students may, on occasion, result in a violation of civil or criminal law. Although the University does not provide legal advice or retain counsel on the student's behalf, it may serve a supportive role to a student encountering legal difficulties. Students who violate the law may incur penalties prescribed by civil authorities. The student who violates University policies and/or Iowa state law in the course of his/her off-campus activities shall be subject to University disciplinary action. University action should be independent of community pressure.

The University reserves the right to enforce its own regulations against members of the University community when the action occurs on or off-campus. In the event a violation of a student's rights and/or University policy/Iowa state law occurs off campus, the Dean of Student Formation may conduct an investigation through any means he or she feels appropriate to determine if this off-campus behavior

poses a threat to the peace, safety, or learning environment on campus. If the investigation reveals such a threat, the Dean of Student Formation shall refer the case to the appropriate student conduct body for a hearing and possible sanctions.

Students may be liable to penalties by both civil and University authority, as in the case of underage drinking or providing alcohol to minors. This does not constitute double jeopardy. Since the University does not function as a sanctuary from law enforcement agencies, the University will cooperate fully with these agencies when they are investigating alleged criminal activities. The University may, at any time it deems necessary, call upon civil law enforcement officials to assist in the confrontation of any student who violates institutional policies, rules, and regulations that may also be a violation of civil law.

#### *Student Conduct Process*

Any member of the University community may file charges against any student for misconduct. Charges shall be prepared in writing and directed to the Dean of Student Formation or his/her designee responsible for the administration of the University student conduct system. Any charge should be submitted as soon as possible after the event takes place. Any student and/or organization accused of violating a regulation has the right to due process as outlined on the following pages.

Organizations so accused will be represented in the hearing process by their president and vice president or their designee. The advisor may be present during each step of the process, but only in an advisory capacity. The advisor may not address any hearing official.

#### *Due Process*

Due process is a concept of fundamental fairness. It is not a fixed or inflexible concept unrelated to time and circumstances. The courts have preferred to define it as the “gradual process of judicial inclusion and exclusion.” Generally, due process embodies the concepts of fair play and reasonableness. In a nutshell, this means that if you adhere to the written standards of the student conduct process set forth by the Student Handbook, and these guidelines are fundamentally fair, student’s due process rights will be protected. When there are situations that are not clearly defined in a handbook, it is safest to have a higher authority clarify the issue (i.e., the Student Conduct Appeals Board or the Dean of Student Formation.) Students whose due process rights have been compromised should be able to request a new hearing, but case dismissals on the grounds of due process are rare. Requests for a new hearing are handled through the appeal process.

#### *Record Keeping*

Academic and disciplinary records will be kept in separate locations. This minimizes the risk of improper disclosure of disciplinary information. Other than University expulsion, disciplinary sanctions shall not be made part of a student’s permanent academic record, but shall become part of the student’s confidential record. Upon graduation and upon application to the Dean of Student Formation, the student’s confidential record may be expunged of disciplinary actions, other than residence hall expulsion, University suspension, or University expulsion. Cases involving the imposition of sanctions other than residence hall expulsion, University suspension, or University expulsion may be expunged from the students’ confidential record seven years after the student graduates.

#### *Hearing Procedure*

If any student is accused of a violation of any of these rules and regulations and denies violating these rules, a timely and fair hearing is guaranteed. Appropriate safeguards of the due process have been built

into the procedures so that no permanent or recorded penalty shall be given until the student accused shall have had a fair chance to be heard. Appropriate appeals are also permitted.

#### *Hearing Guidelines/Student Rights*

The following procedural guidelines are established for the direction of all persons or bodies conducting formal hearings in student conduct matters:

An appropriate University official will notify the student, through the student's University of Dubuque email, that the student is accused of violating a policy/regulation.

Dean of Student Formation, Assistant Dean/Director of Residence Life, or his or her designee (usually an appropriate member of the Student Life staff,) will conduct all initial formal hearings on student conduct matters. (Excluding academic conduct through Academic Affairs)

The student is entitled to an expeditious hearing of the case.

The student may admit the alleged violation and request that the official take whatever action seems appropriate.

All hearings are private and confidential.

In cases involving more than one student, any of the involved students may request that his or her case be heard separately.

The student may examine written testimony of any witness (names may be withheld to protect witnesses).

The complainant, the accused, or the hearing officer shall have the privilege of presenting witnesses.

The student may be accompanied by an advisor of his or her choice at the hearing. The advisor is there only to advise the student who has been charged. The advisor may not speak on behalf of the charged student.

The student may refuse to answer questions (without implication of admitting violation of University values, policy, or procedure).

The student is entitled to an explanation of the reasons for any decision rendered against him or her.

An appropriate sanction will be imposed as soon as possible. The student would retain the right of appeal if he or she felt the sanction imposed was not in keeping with the gravity of the violation.

If the student wishes to appeal the decision, he or she may do so in writing within three (3) school days. The letter may be delivered to the Dean of Student Formation who will either act on the appeal or

forward to the appropriate party depending on the origination of the hearing decision. Appeals of decisions made by the Dean will be heard by the Student Conduct Appeals Board.

The student shall be notified of his or her right to appeal an initial decision. Should the student appeal, any judgment assessed shall be suspended until acted upon by a higher body, unless the person's actions are considered dangerous to others.

#### *Faculty/Employee Conduct, Process and Procedures*

As employees of the University, Faculty are required to adhere to official University policies as published in this Faculty Handbook, the University Catalog, or otherwise promulgated by the Board of Trustees, the President or administrative authorities.

University prohibits the unlawful manufacture, distribution, dispensing, possession, consumption, sale or use of controlled substances and alcohol on or in University owned or controlled property or in the course of University business or activities. Individuals including, but not limited to, students, employees, contractors, agents, volunteers or invitees who violate this policy shall be subject to discipline, termination/dismissal, debarment, arrest or citation, and referral by University officials for prosecutions, as applicable. Additionally, employees or students who violate this policy may be required to participate satisfactorily in a drug abuse assistance or rehabilitation program approved by the University.

*Employees Discipline and Sanctions for Violations of the Code of Conduct:* When any member of the University community violates a lawful University policy or regulation, such person shall be subject to disciplinary action by the University. If the person's behavior simultaneously violates a civil or criminal law, (State or Federal), the University may take disciplinary action independent of actions taken by civil authorities. Any employee or student guilty of violating a local, state or federal law pertaining to unlawful possession, use or distribution of illicit drugs and alcohol must notify the appropriate University official, in writing, no later than five (5) calendar days after conviction. Failure to comply with this notification requirement will result in immediate termination or dismissal.

No later than thirty (30) calendar days after receiving notification of such conviction from an employee or student the University shall:

- i. Take action against the employee or student to include any range of authorized disciplinary actions up to termination/dismissal; and/or
- ii. Require the employee or student to participate satisfactorily in a drug abuse assistance or rehabilitation program approved by the University; and
- iii. If the employee or student is authorized to work on a grant provided by the Federal Government at the time of the incident, the University shall notify the agency which awarded the grant within ten (10) calendar days after receipt of notification from the employee.

The University will review this policy and the relevant education assessment, and treatment programs annually to determine their effectiveness and to ensure that sanctions are consistently enforced. The University reserves the right to implement changes at any time by approval of the President.

Smoking is strictly prohibited in all campus buildings in compliance with the Iowa Smoke Free Air Act.

### *Employees*

The University is committed in its efforts to provide and maintain a drug free environment for its students, staff and employees. To ensure employee and student safety the University has implemented the following Drug Free Workplace Policy applicable to all faculty and staff;

### *Prohibition*

It is unlawful to manufacture, distribute, dispense, possess or use any illicit drugs (including the illegal use of alcohol) during any period of normal employment either on the premises of the University or at any other site where the employee is carrying out assigned duties.

An employee is required to report within five days, any criminal drug statute conviction to the Director of Human Resource. Failure to do so may be grounds for immediate termination. The Human Resource Director shall forward the notice to the Vice President of Finance. In cases in which the employee is supported by a federal grant or contract, the University must notify the contracting or granting agency within ten (10) days after receiving notice of an employee's drug statute conviction.

In addition to any specific disciplinary measures published elsewhere, and without limiting the ability of the University to implement disciplinary measures as it deems appropriate under any circumstances that the University in its discretion deems disciplinary or corrective action warranted, a violation of this policy may be cause for one or more of the following actions:

- i. Termination;
- ii. Participation in and successful completion of a drug abuse program sponsored or approved by private or governmental institution;
- iii. Suspension from the University duty for up to five (5) days without pay; and/or
- iv. Referral for prosecution for violation.

The University may impose counseling sessions and/or disciplinary actions for the purpose of correcting an employee's behavior, not for punishing an employee. The University, in its discretion, may choose to apply a system of progressive discipline as follows:

- i. Verbal warning, counseling – in this case the employee's supervisor will discuss the area of concern with the employee as well as appropriate corrective action and the supervisor shall document the event in writing and place a copy of the incident and resolution in the employee's file;
- ii. Written warnings – the employee's supervisor with the Director of Human Resources will address the area of concern in a writing delivered to the employee and placed in the employee's employment file, addressing the problem corrective action, and a timetable for improvement or assessment of compliance;
- iii. Suspension without pay – the basis for and period of time applicable to the suspension shall be documented in the employee's employment file;
- iv. Termination. The University may depart from these progressive discipline steps when, in the University's discretion, it believes the circumstances warrant a more accelerated, final, or alternative method of discipline.

The establishment of a progressive disciplinary system does not alter the At-Will nature of employment. All disciplinary actions will be made and remain a permanent part of an employee's personnel record and cannot be removed for any reason.

*Smoke Free Policy:* The University supports a healthy environment for faculty, staff, students, and visitors, and has enacted this policy in compliance with the Iowa Smoke Free Air Act.

This Iowa Smoke Free Air Act bans the smoking of tobacco in ALL indoor and outdoor spaces on the University campus including: all University property, parking lots (including, if you are smoking while sitting in your personal vehicle), athletic fields, stadiums, University vehicles (on or off campus), the University of Dubuque Flight Operations Center at the Dubuque Regional Airport (grounds, including outdoor spaces), apartments, houses, residence halls and University sidewalks. In essence, it is against the law to smoke tobacco on or in any University property. In addition, University of Dubuque has chosen to be a tobacco-free campus and employees are prohibited from using any tobacco products while on college property. Employees are also prohibited from using products that simulate tobacco use, such as e-cigarettes and herbal chew. The law does not prohibit smoking on public sidewalks around the University.

Please be attentive to this law and help by informing anyone smoking on University property that Iowa law prohibits their activity, or call Campus Safety and Security. The law takes a firm position concerning the failure to maintain a smoke-free campus community that will result in civil penalties, as well as other consequences, for both the individual and the University.

### **HEALTH RISKS ASSOCIATED WITH USE OF ILLICIT DRUGS AND ALCOHOL ABUSE**

#### *Alcohol: From the Centers for Disease Control and Prevention*

Drinking too much can harm your health. Excessive alcohol use led to approximately 88,000 deaths and 2.5 million years of potential life lost (YPLL) each year in the United States from 2006 – 2010, shortening the lives of those who died by an average of 30 years. Further, excessive drinking was responsible for 1 in 10 deaths among working-age adults aged 20-64 years.

#### *Short-Term Health Risks*

Excessive alcohol use has immediate effects that increase the risk of many harmful health conditions:

- Injuries, such as motor vehicle crashes, falls, drownings, and burns.
- Violence, including homicide, suicide, sexual assault, and intimate partner violence is linked with excessive alcohol consumption.
- Alcohol poisoning, a medical emergency that results from high blood alcohol levels.
- Risky sexual behaviors that can result in unintended pregnancy or sexually transmitted diseases, including HIV.
- Miscarriage and stillbirth or fetal alcohol spectrum disorders (FASDs) among pregnant women.

#### *Long-Term Health Risks*

Over time, excessive alcohol use can lead to the development of chronic diseases and other serious problems including:

- High blood pressure, heart disease, stroke, liver disease, and digestive problems.
- Cancer of the breast, mouth, throat, esophagus, liver, and colon.
- Learning and memory problems, including dementia and poor school performance.
- Mental health problems, including depression and anxiety.

- Social problems, including lost productivity, family problems, and unemployment.
- Alcohol dependence, or alcoholism.

See: <https://www.cdc.gov/alcohol/fact-sheets/alcohol-use.htm>

### *Illicit Drugs*

From the National Institute on Drug Abuse:

General health risks:

- Increased spread of infectious diseases.  
Injection of drugs such as heroin, cocaine, and methamphetamine currently accounts for about 12 percent of new AIDS cases. Injection drug use is also a major factor in the spread of hepatitis C, a serious, potentially fatal liver disease. Injection drug use is not the only way that drug abuse contributes to the spread of infectious diseases. All drugs of abuse cause some form of intoxication, which interferes with judgment and increases the likelihood of risky sexual behaviors. This, in turn, contributes to the spread of HIV/AIDS, hepatitis B and C, and other sexually transmitted diseases.
- Negative effects of prenatal drug exposure on infants and children. A mother's abuse of heroin or prescription opioids during pregnancy can cause a withdrawal syndrome (called neonatal abstinence syndrome, or NAS) in her infant. It is also likely that some drug-exposed children will need educational support in the classroom to help them overcome what may be subtle deficits in developmental areas such as behavior, attention, and thinking. Ongoing research is investigating whether the effects of prenatal drug exposure on the brain and behavior extend into adolescence to cause developmental problems during that time period.

### *Risk from specific drugs*

- Marijuana is the most commonly abused illegal substance. This drug impairs short-term memory and learning, the ability to focus attention, and coordination. It also increases heart rate, can harm the lungs, and can increase the risk of psychosis in those with an underlying vulnerability.
- Prescription medications, including opioid pain relievers (such as OxyContin® and Vicodin®), anti-anxiety sedatives (such as Valium® and Xanax®), and ADHD stimulants (such as Adderall® and Ritalin®), are commonly misused to self-treat for medical problems or abused for purposes of getting high or (especially with stimulants) improving performance. However, misuse or abuse of these drugs (that is, taking them other than exactly as instructed by a doctor and for the purposes prescribed) can lead to addiction and even, in some cases, death. Opioid pain relievers, for instance, are frequently abused by being crushed and injected or snorted, greatly raising the risk of addiction and overdose. Unfortunately, there is a common misperception that because medications are prescribed by physicians, they are safe even when used illegally or by another person than they were prescribed for.
- Inhalants are volatile substances found in many household products, such as oven cleaners, gasoline, spray paints, and other aerosols, that induce mind-altering effects; they are frequently the first drugs tried by children or young teens. Inhalants are

extremely toxic and can damage the heart, kidneys, lungs, and brain. Even a healthy person can suffer heart failure and death within minutes of a single session of prolonged sniffing of an inhalant.

- Cocaine is a short-acting stimulant, which can lead users to take the drug many times in a single session (known as a “binge”). Cocaine use can lead to severe medical consequences related to the heart and the respiratory, nervous, and digestive systems.
- Amphetamines, including methamphetamine, are powerful stimulants that can produce feelings of euphoria and alertness. Methamphetamine’s effects are particularly long-lasting and harmful to the brain. Amphetamines can cause high body temperature and can lead to serious heart problems and seizures.
- MDMA (Ecstasy or “Molly”) produces both stimulant and mind-altering effects. It can increase body temperature, heart rate, blood pressure, and heart-wall stress. MDMA may also be toxic to nerve cells.
- LSD is one of the most potent hallucinogenic, or perception-altering, drugs. Its effects are unpredictable, and abusers may see vivid colors and images, hear sounds, and feel sensations that seem real but do not exist. Users also may have traumatic experiences and emotions that can last for many hours.
- Heroin is a powerful opioid drug that produces euphoria and feelings of relaxation. It slows respiration, and its use is linked to an increased risk of serious infectious diseases, especially when taken intravenously. People who become addicted to opioid pain relievers sometimes switch to heroin instead, because it produces similar effects and may be cheaper or easier to obtain.
- Steroids, which can also be prescribed for certain medical conditions, are abused to increase muscle mass and to improve athletic performance or physical appearance. Serious consequences of abuse can include severe acne, heart disease, liver problems, stroke, infectious diseases, depression, and suicide.
- Drug combinations. A particularly dangerous and common practice is the combining of two or more drugs. The practice ranges from the co-administration of legal drugs, like alcohol and nicotine, to the dangerous mixing of prescription drugs, to the deadly combination of heroin or cocaine with fentanyl (an opioid pain medication). Whatever the context, it is critical to realize that because of drug–drug interactions, such practices often pose significantly higher risks than the already harmful individual drugs.

See: <https://www.drugabuse.gov/publications/drugs-brains-behavior-science-addiction/addiction-health>

## **DRUG AND ALCOHOL COUNSELING, TREATMENT, REHABILITATION OR RE-ENTRY PROGRAMS AVAILABLE TO STUDENTS AND EMPLOYEES**

### *Students*

The University understands the need for strict adherence to the law in cases involving alcohol, drugs, and other addictions. However, as part of its mission, the University also practices compassion toward those with abuse and/or dependency of a substance or other addictive disorders. To this end, University

officials will make an effort to assist students in receiving professional counseling and/or treatment, to support students in becoming productive members of the University family and society. Students in need of services due to abuse and/or dependency of alcohol, drugs or other addictions are welcome to contact UD's Counseling Services to assist with a confidential and professional referral to an appropriate service within the tristate area or through the student's preferred provider within their insurance plan. The referral service is provided at no charge to the student. UD's Counseling Services does not provide treatment for alcohol, drugs, or other addictions. However, UD's Counseling Services has strong partnerships with area resources such as: Substance Abuse Services Center (SASC), Hillcrest Family Services, Turning Point Treatment Center, area hospitals and clinics, intervention services, and other alternative providers.

For more information and a list of area resources, visit our website at <http://www.dbq.edu/campuslife/officeofstudentlife/counselinglifefervices> , contact 563.589.3132 or 563.589.3253, or visit UD's Counseling Services on 2nd Floor of Peters Commons.

#### *Alcohol Education and Testing Policy for the Student-Athlete*

The goal of the University of Dubuque's (UD) Substance Abuse Policy for the Student-Athlete is to ensure student-athletes practice, compete and work to the best of their ability, free from the influence of substance abuse.

Five objectives accompany this goal:

1. Contribute to the education of the student-athlete regarding substance abuse by encouraging student-athlete participation in campus-wide substance abuse prevention programs.
2. Aid student-athletes in finding medical assistance and counseling for substance abuse related violations.
3. Facilitate compliance with NCAA regulations concerning substance abuse.
4. Protect the health and safety of all student-athletes.
5. Prevent an unfair competitive edge by those who abuse certain chemical substances.

Any use of a substance belonging to a class of drugs currently banned by the NCAA (see [ncaa.org](http://ncaa.org)) may be cause for loss of eligibility. For further information regarding substance abuse or usage or other medical questions, contact the Medical Coordinator, Director of Athletics or your Head Coach.

#### *Procedures*

##### *Consent*

- As part of the NCAA rules for clearance to participate in an intercollegiate sport, each student-athlete must sign a form stating their understanding and willingness to abide by the UD Substance Abuse Policy.
- Each student-athlete must sign the NCAA Drug Testing Consent Form signifying they are aware they may be drug tested.
- Each student-athlete must sign a University of Dubuque drug-testing consent form stating they are aware they may be drug tested, both randomly and based upon reasonable suspicion.
- The UD Athletic Department reserves the right to conduct random drug testing or drug test any student-athlete if a member of the athletic department can show reasonable suspicion that a particular student-athlete is using, or in the case of anabolic steroids, has used any substance in

violation of this policy. A positive test result will be considered a violation of this policy and may subject the violator to the consequences discussed below.

### *Reasonable Suspicion*

Reasonable suspicion is defined as a good faith belief, at the time of making the decision to test, that the information relied upon is accurate and there is reason to suspect that a student-athlete has used illegal or performance enhancing substances.

### *NCAA*

The University of Dubuque's Athletic Department strictly adheres to the NCAA policies banning the use of performance enhancing drugs. The following are drug classes that are banned by the NCAA (NCAA Bylaw 31.2.3.1): Stimulants, Anabolic Agents, Diuretics, Street Drugs, Peptide Hormones and Analogues.

### *Employees (Faculty/Staff)*

In consonance with this mission, the University is committed to preventing the use of illegal substances by students, Faculty, and staff and to encouraging responsible behavior regarding alcohol and legal addictive substances through policy, needs assessment, education and treatment.

In addition, the University provides awareness programs that focus on the dangers of and health risks associated with the use of illicit drugs and the abuse of alcohol. Such programs are coordinated annually by the Human Resource office staff and are open to all student, Faculty and staff.

A list of local drug counseling services is on hand in the Student Life Office or contact the Human Resources Department in Smith Hall. Community agencies include: Hillcrest Mental Health: 582-0145; Turning Point Treatment Center: 589-8925; Substance Abuse Service: 582-3784; Alcoholics Anonymous: West 556-7921 Intergroup: 557-9196;

For the most up to date information and a list of area resources, visit our website at:

<http://www.dbq.edu/CampusLife/OfficeofStudentLife/CounselingLifeServices/Resources/> and/or <http://www.dbq.edu/CampusLife/OfficeofStudentLife/CounselingLifeServices/CounselingServices/>

## **LEGAL SANCTIONS IMPOSED UNDER FEDERAL, STATE AND LOCAL LAWS FOR UNLAWFUL POSSESSION OR DISTRIBUTION OF ILLICIT DRUGS AND ALCOHOL**

### *Federal Sanctions*

#### *Alcohol*

Federal alcohol laws are enforced by the Bureau of Alcohol, Tobacco, Firearms and Explosives. Information about the legal sanctions for violations of the Interstate Transport in Aid of Racketeering (18 U.S.C 1952 with respect to federally non-tax paid liquor) can be found here:

<https://www.gpo.gov/fdsys/pkg/USCODE-2011-title18/pdf/USCODE-2011-title18-partI-chap95-sec1952.pdf>

## Illicit drugs

Federal sanctions for possession or distribution for illicit drugs vary depending on the type of drug, the amount of drug, the background of the offender and other mitigating or aggravating circumstances. For example, a person convicted of simple possession of small amounts of certain types of controlled substances can be imprisoned for up to 3 years and fined \$5,000 or more. 21 U.S.C §844 (a). For a full description of penalties for possession and distribution of illicit drugs under federal law, please see: <https://www.gpo.gov/fdsys/pkg/USCODE-2011-title21/html/USCODE-2011-title21-chap13-subchapl-partD.htm>

Charts can be located at [https://www.dea.gov/pr/multimedia-library/publications/drug\\_of\\_abuse.pdf#page=30](https://www.dea.gov/pr/multimedia-library/publications/drug_of_abuse.pdf#page=30) and <https://www.dea.gov/druginfo/ftp3.shtml>.

### FEDERAL TRAFFICKING PENALTIES

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500-4999 grams mixture	<b>First Offense:</b> Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.	5 kgs or more mixture	<b>First Offense:</b> Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.
Cocaine Base (Schedule II)	28-279 grams mixture		280 grams or more mixture	
Fentanyl (Schedule II)	40-399 grams mixture	<b>Second Offense:</b> Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	400 grams or more mixture	<b>Second Offense:</b> Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
Fentanyl Analogue (Schedule I)	10-99 grams mixture		100 grams or more mixture	
Heroin (Schedule I)	100-999 grams mixture	<b>2 or More Prior Offenses:</b> Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.	1 kg or more mixture	<b>2 or More Prior Offenses:</b> Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
LSD (Schedule I)	1-9 grams mixture		10 grams or more mixture	
Methamphetamine (Schedule II)	5-49 grams pure or 50-499 grams mixture	<b>2 or More Prior Offenses:</b> Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.	50 grams or more pure or 500 grams or more mixture	<b>2 or More Prior Offenses:</b> Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
PCP (Schedule II)	10-99 grams pure or 100-999 grams mixture		100 gm or more pure or 1 kg or more mixture	
PENALTIES				
Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	<b>First Offense:</b> Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than life. Fine \$1 million if an individual, \$5 million if not an individual. <b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.		
Flunitrazepam (Schedule IV)	1 gram			
Other Schedule III drugs	Any amount	<b>First Offense:</b> Not more than 10 years. If death or serious injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual. <b>Second Offense:</b> Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.		
All other Schedule IV drugs	Any amount			
Flunitrazepam (Schedule IV)	Other than 1 gram or more	<b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual. <b>Second Offense:</b> Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.		
All Schedule V drugs	Any amount			
		<b>First Offense:</b> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual. <b>Second Offense:</b> Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.		

## FEDERAL TRAFFICKING PENALTIES—MARIJUANA

DRUG	QUANTITY	1st OFFENSE	2nd OFFENSE *
Marijuana (Schedule I)	1,000 kg or more marijuana mixture; or 1,000 or more marijuana plants	Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.	Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana (Schedule I)	100 kg to 999 kg marijuana mixture; or 100 to 999 marijuana plants	Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.	Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana (Schedule I)	More than 10 kgs hashish; 50 to 99 kg marijuana mixture More than 1 kg of hashish oil; 50 to 99 marijuana plants	Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.	Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.
Marijuana (Schedule I)	Less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight) 1 to 49 marijuana plants;	Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.	Not more than 30 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.
Hashish (Schedule I)	10 kg or less		
Hashish Oil (Schedule I)	1 kg or less		

### *State Sanctions*

#### *Alcohol*

Iowa Code sections §123.47, 123.47(2) and §123.49(2)(h)

Iowa Code section §123.39(2), and 185-4.35 Iowa Administrative Code

#### *Criminal Penalties for Sales-to-Minors Violations*

It is against the law for any licensee (their employees and agents) to sell, give or otherwise provide alcoholic beverages to anyone under the legal drinking age of twenty one years. The fine for this simple misdemeanor is:

- \$1,500 when committed by the licensee
- \$500 when committed by an employee or agent Iowa Code section §123.50(1)

#### *Criminal Penalties for Minors*

Following are the criminal penalties imposed by the courts for a minor aged 18-20 years of age purchasing or attempting to purchase or controlling or possessing an alcoholic beverage:

- First violation - simple misdemeanor punishable by a \$100 fine.
- Second violation - simple misdemeanor punishable by a fine of \$500. Additionally, the person in violation shall choose between either completing a substance abuse evaluation or the suspension of the person's motor vehicle operating privileges for a period not to exceed one year.
- Third and subsequent violations - simple misdemeanor punishable by a fine of \$500 and the suspension of the person's motor vehicle operating privileges for a period not to exceed one year. When the violation is committed by a minor under age 18, the matter is handled by the juvenile court.

Iowa Code section §123.47

Iowa Laws Relating to Consumption of Alcohol (student handbook; p. 66)

The following is only a partial list of the pertinent alcohol-related laws:

- Persons under the legal age (21 years) are prohibited from purchasing or possessing alcoholic beverages (I.C.A. 123.47).
- It is unlawful to sell, give, or otherwise supply alcoholic beverages to a minor (anyone under 21 years of age) (I.C.A. 123.47 and 123.47A).
- Those under the legal age may not present false evidence or misrepresent their age to a vendor or licensee for purposes of obtaining alcoholic beverages [I.C.A. 123.49(3)].
- No person may sell or give alcoholic beverages to an intoxicated person [I.C.A. 123.49(1)].
- Anyone under the age of 21 who is caught driving with a blood alcohol level of .02 or more will lose their driver’s license or permit for up to 60 days. Temporary driving permits for school, work, or any reason, will not be issued during the suspension period.

Illicit Drugs

TABLE C: Penalties Under Iowa Law for Manufacturing, Delivering, or Possessing with the Intent to Deliver a Controlled Substance, a Counterfeit Substance or a Simulated Controlled Substance

GENERAL OFFENSE MISDEMEANOR CLASSIFICATION	SPECIAL CLASS "B" FELONY - §124.401(1)(a) <sup>1</sup>	SPECIAL CLASS "B" FELONY - §124.401(1)(b) <sup>1</sup>	SPECIAL CLASS "C" FELONY - §124.401(1)(c) <sup>1</sup>	SPECIAL CLASS "D" FELONY - §124.401(1)(d) <sup>1</sup>	AGGRAVATED MISDEMEANOR - §124.401(1)(d)	SPECIAL CLASS SERIOUS - §124.401
<b>PENALTY SUBSTANCE</b>	not greater than 50 years and a fine of not greater than \$1,000,000	not greater than 25 years and a fine of not less than \$5,000 and not greater than \$100,000 <sup>2</sup>	not greater than 10 years and a fine of not less than \$1,000 and not greater than \$50,000 <sup>2</sup>	not greater than 5 years and a fine of not less than \$750.00 and not greater than \$7,500 <sup>2</sup>	not greater than 2 years or a fine of not less than \$500 and not greater than \$5,000 or both	Not greater than 6 months or a fine of not greater than \$1,000 or both <sup>3</sup>
LSD	greater than 10g	not greater than 10g				
COCAINE BASE "CRACK"	greater than 50g	greater than 10g but not greater than 50g	less than or equal to 10g			
COCAINE	greater than 500g	greater than 100g but not greater than 500g	less than or equal to 100g			
PCP (PURE)	greater than 100g	greater than 10g but not greater than 100g	less than or equal to 10g			
PCP (MIXED)	greater than 1kg	greater than 100g but not greater than 1kg	less than or equal to 100g			
HEROIN	greater than 1kg	greater than 100g but not greater than 1kg	less than or equal to 100g			
MARIJUANA	greater than 1,000kg	greater than 100kg but not greater than 1000kg	greater than 50kg but not greater than 100kg	less than 50 kg		less than or equal to 1/2oz (not offered for sale)
METHAMPHETAMINE AMPHETAMINE	greater than 5kg <sup>4</sup>	greater than 5g but not greater than 5kg	less than or equal to 5g <sup>5</sup>			
SALVIA DIVINORUM					any amount	
SYNTHETIC CANNABINOIDS					any amount	
SYNTHETIC CATHINONES					any amount	
OTHER SCHEDULE I, II, AND II SUBSTANCES <sup>6</sup>			any amount			
SCHEDULE IV AND V SUBSTANCES <sup>7</sup>					any amount	

*Campus Sanctions for both Alcohol and Illicit Drugs*

Campus Safety and Security are not sworn officers therefore they respond to alcohol and drug related incidents by means of safety and disciplinary referrals to the appropriate jurisdiction, meaning Dean of Students office or City of Dubuque Police Department.

**University of Dubuque 2019 Annual Fire Safety Report**

The below tables indicate the fires recorded in the on campus student housing facilities for calendar years 2018, 2017, and 2016.

**2018 Fire Statistics**

Hall Name	Number of Fires	Cause of Fire	Case Number	Date of Fire	Time of Fire	General Location	Fire Related Injuries	Fire Related Deaths	Property Damage
Aitchison Hall 701 Auburn St	1	Intentional	2018004201	09/25/18	9:30 PM	in hallway	0	0	\$0
Cassat Hall 2270 Bennett Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
Chlapaty Hall 80 McCormick St Ext	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
Donnell Hall 2250 Bennett Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
Park Village 2455 Dodge Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
Park Village 2465 Dodge Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
Park Village 2475 Dodge Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
Park Village 2525 Dodge Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
Park Village 2535 Dodge Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
Park Village 2545 Dodge Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
Seminary Village 67 Collins Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
Seminary Village 69 Collins Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
Seminary Village 71 Collins Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
Seminary Village 73 Collins Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
Seminary Village 91 Collins Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
Seminary Village 93 Collins Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
Seminary Village 95 Collins Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0

Seminary Village 97 Collins Street	0	N/A	\$0						
235 Algona Street	0	N/A	\$0						
285 Algona Street	0	N/A	\$0						
349 Algona Street	0	N/A	\$0						
1896 Delhi Street	0	N/A	\$0						
1360 Finley Street	0	N/A	\$0						
2141 Hale Street	0	N/A	\$0						
2149 Hale Street	0	N/A	\$0						
2153 Hale Street	0	N/A	\$0						
2170 Hale Street	0	N/A	\$0						
2175 Hale Street	0	N/A	\$0						
2180 Hale Street	0	N/A	\$0						
2291 Lombard Street	0	N/A	\$0						
2297 Lombard Street	0	N/A	\$0						
2315 Lombard Street	0	N/A	\$0						
2355 Lombard Street	0	N/A	\$0						
877 McCormick Street	0	N/A	\$0						
893 McCormick Street	0	N/A	\$0						
959 McCormick Street	0	N/A	\$0						
1085 McCormick Street	0	N/A	\$0						
2305 Mineral Street	0	N/A	\$0						
2356 Mineral Street	0	N/A	\$0						
2150 West 3rd Street	0	N/A	\$0						
Pulpit Rock (1955 Pulpit Rock Lane)	0	N/A	\$0						

**2017 Fire Statistics**

Hall Name	Fire Number	Cause of Fire	Case Number	Date of Fire	Time of Fire	General Location	Fire Related Injuries	Fire Related Deaths	Property Damage
Aitchison Hall 701 Auburn St	1	Intentional	17-01-0004	01/04/17	11:55 PM	Decorations on dorm doors	0	0	\$100
Cassat Hall 2270 Bennett Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
Chlapaty Hall 80 McCormick St Ext	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0

Donnell Hall 2250 Bennett Street	1	Intentional	17-04- 0157	04/26/17	8:37 PM	Hallway near room 402	0	0	\$0
Park Village 2455 Dodge Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
Park Village 2465 Dodge Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
Park Village 2475 Dodge Street	0	N/A	N/A	N/A	N/A	N/A	0	0	\$0
Park Village 2525 Dodge Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
Park Village 2535 Dodge Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
Park Village 2545 Dodge Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
Seminary Village 67 Collins Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
Seminary Village 69 Collins Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
Seminary Village 71 Collins Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
Seminary Village 73 Collins Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
Seminary Village 91 Collins Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
Seminary Village 93 Collins Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
Seminary Village 95 Collins Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
Seminary Village 97 Collins Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
235 Algona Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
285 Algona Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
349 Algona Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
1896 Delhi Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
1360 Finley Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
2141 Hale Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
2149 Hale Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
2153 Hale Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
2170 Hale Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
2175 Hale Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
2180 Hale Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
2291 Lombard Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
2297 Lombard Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
2315 Lombard Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
2355 Lombard Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0

877 McCormick Street	0	N/A	\$0						
893 McCormick Street	0	N/A	\$0						
959 McCormick Street	0	N/A	\$0						
1085 McCormick Street	0	N/A	\$0						
2305 Mineral Street	0	N/A	\$0						
2356 Mineral Street	0	N/A	\$0						
2150 West 3rd Street	0	N/A	\$0						
1948 Grace Street	0	N/A	\$0						
Pulpit Rock 1955 Pulpit Rock Lane	0	N/A	\$0						

### 2016 Fire Statistics

Hall Name	Fire Number	Cause of Fire	Case Number	Date of Fire	Time of Fire	General Location	Fire Related Injuries	Fire Related Deaths	Property Damage
Aitchison Hall 701 Auburn Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
Cassat Hall 2270 Bennett Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
Chlapaty Hall 80 McCormick Ext	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
Donnell Hall 2250 Bennett Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
Park Village 2455 Dodge Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
Park Village 2465 Dodge Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
Park Village 2475 Dodge Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
Park Village 2525 Dodge Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
Park Village 2535 Dodge Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
Park Village 2545 Dodge Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
Seminary Village 67 Collins Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
Seminary Village 69 Collins Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
Seminary Village 71 Collins Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0
Seminary Village 73 Collins Street	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A	\$0

Seminary Village 91 Collins Street	0	N/A	\$0						
Seminary Village 93 Collins Street	0	N/A	\$0						
Seminary Village 95 Collins Street	0	N/A	\$0						
Seminary Village 97 Collins Street	0	N/A	\$0						
235 Algona Street	0	N/A	\$0						
285 Algona Street	0	N/A	\$0						
349 Algona Street	0	N/A	\$0						
1896 Delhi Street	0	N/A	\$0						
1360 Finley Street	0	N/A	\$0						
2141 Hale Street	0	N/A	\$0						
2149 Hale Street	0	N/A	\$0						
2153 Hale Street	0	N/A	\$0						
2170 Hale Street	0	N/A	\$0						
2175 Hale Street	0	N/A	\$0						
2180 Hale Street	0	N/A	\$0						
2291 Lombard Street	0	N/A	\$0						
2297 Lombard Street	0	N/A	\$0						
2315 Lombard Street	0	N/A	\$0						
2355 Lombard Street	0	N/A	\$0						
877 McCormick Street	0	N/A	\$0						
893 McCormick Street	0	N/A	\$0						
959 McCormick Street	0	N/A	\$0						
1085 McCormick Street	0	N/A	\$0						
2305 Mineral Street	0	N/A	\$0						
2356 Mineral Street	0	N/A	\$0						
2150 West 3rd Street	0	N/A	\$0						
55 Algona Street	0	N/A	\$0						
86 Collins Street	0	N/A	\$0						
68 Gandolfo Street	0	N/A	\$0						
1948 Grace Street	0	N/A	\$0						
1955 Pulpit Rock Lane Pulpit Rock	0	N/A	\$0						

## **Fire Safety Training and Education**

All buildings that are equipped with fire alarms and have at least 2 fire drills each year. All academic buildings have at least 1 fire drill per year and all residence halls have at least 2 fire drills per year. Building evacuation drills are scheduled, documented, contain exercises involving a coordination of efforts, contain follow-through activities, and are designed for assessment and evaluation of emergency plans. A record of whether they are announced or unannounced is kept. In fall 2018, UD started to designate Building Captains (for all UD buildings and residence halls) that will be trained for 'all hazard' emergencies and will function as trainers for UD Safety and Security team with implementation starting fall 2020. To report a fire, please call 911 or Campus Safety and Security at 563-589-3333.

### *UD Fire Safety Policy for each housing facility*

#### *Fire*

The purpose of the fire alarm system is to alert occupants of the building of the need to evacuate. The fire alarms and fire equipment (i.e., extinguishers) are to be used only in case of fire. Please be advised that tampering with fire alarms and equipment is a violation of Iowa state law as well as University policy. Offenders are subject to university disciplinary action as well as criminal prosecution.

Upon hearing the fire alarm sound in the room/facility, all occupants should follow these procedures:

- Keep low to the floor if smoke is in your room/facility.
- Close windows.

Before opening the door:

Feel the knob. If it is hot, do not open the door. If the knob is not hot, brace yourself against the door, and open it slightly. If heavy smoke or fire is present, close the door and stay in the room/facility.

If you can leave the room/facility:

- Be sure to have clothing appropriate for the weather.
- Be sure to bring your key (if applicable).
- Leave lights ON.
- CLOSE and LOCK door (if applicable).
- Leave by the nearest safe exit.
- Do NOT use an elevator.
- If ALL exits are blocked, return to your room/facility.
- Once outside, quickly move away from the building at least 300 feet.
- Do not return to the building until signaled by staff to do so.

If you CANNOT leave the room/facility:

- CLOSE door.
- Seal cracks around the door with towels, bed clothing, or anything else you can find to help keep out smoke.
- Open window.
- Do NOT jump if you are above the second floor.

- Hang something from the window to attract attention or shout for help.

### **Policies pertaining to use of portable electric appliances, smoking and open flame appliances**

In traditional residences and pod style residence halls, UL (Underwriter's Laboratories) appliances such as hair dryers, curling irons, and hot curlers are allowed. Stereos, video players, and televisions are also allowed. Air conditioners, ceiling fans, washers, dryers, and floor space heaters are not allowed. However, air conditioning units may be allowed with medical documentation. See the Assistant Dean/Director of Residence Life for approval before purchase or installation. UD does not supply individual air conditioning units for students.

#### *Candles*

##### Candles and Incense

Open flames or smoldering devices, including such items as candles, incense, laboratory burners, stoves, torches, etc., cannot be used in any area of the residence facilities. No candles may be kept in student residences, even for decorative purposes, per order of the Fire Marshall.

#### *Christmas Decorations and Decorative Lighting*

Live trees are not permitted in the residence facilities because of the potential fire hazard. Likewise, Christmas lights and similar lighting products are not allowed in the residence facilities at any time of the year.

#### *Cooking*

Park Village apartments, houses, and townhouses include fully equipped kitchens for cooking: stove, oven, and refrigerator. Cooking in traditional and pod-style residence hall rooms is limited to a microwave oven or a hot-pot used primarily for heating small amounts of water.

A full-size electric stove has been provided in the kitchen area of each residence hall. You may use your own pots and pans or check some out from your Resident Assistant. Electric appliances that may not be used include, but are not limited to, broilers, toasters or toaster ovens, deep fryers (immersion heaters), fry pans, hot plates, or any appliance that has an open coil for heating.

Appliances relying on gas, oil, charcoal, or wood for heat may not be used inside any facility. Students are responsible for demonstrating proper food handling techniques and preparation.

#### *Extension Cords*

The City of Dubuque Housing Code prohibits the use of extension cords for permanent wiring in any rental unit. University residential facilities are included in this policy. For temporary hookup, it is recommended that surge protected power strips be utilized.

#### *Fire-Fighting Equipment and Alarms*

Fire-fighting equipment and alarms are placed in the residential facilities for your protection. Any student setting fires, tampering with, or misusing fire-fighting equipment (i.e., extinguishers and smoke detectors) is subject to disciplinary action and/or prosecution under Iowa Statutes which includes

a minimum \$750 fine. Refer to the Emergency Procedures section for further information regarding fire and other emergency procedures. Any student setting off a false alarm anywhere on campus is subject to disciplinary action that could result in possible suspension or expulsion from the University.

### *Microwave and Refrigerator Units*

Every traditional residence hall room is furnished with a microwave and refrigerator unit. The unit is considered part of the furniture and may not be removed from the room under any circumstances. The most sensitive part of the unit is the microwave oven; if either the refrigerator or microwave is damaged because of improper use or negligence, the residents will be assessed the repair or replacement costs.

Please adhere to the following guidelines:

- Absolutely no metal or foil of any kind may be used in the microwave. Watch out for gold or silver trimmed mugs. They will cause serious damage to the microwave oven.
- Cook only on paper plates or with microwave-approved containers.
- You may not use extension cords for these units.
- The unit must remain assembled at all times. The refrigerator, freezer, and microwave must remain together as a unit.
- Do not plug any electrical appliance into the same outlet with the unit.
- Remain in the room when the microwave is in use.
- Empty, unplug, clean, and leave all refrigerator and freezer doors open during Christmas break, Spring break, and when you check out of your room.
- If you have any questions about the use of your microwave/refrigerator unit, please contact a Resident Assistant or Area Coordinator.
- Students are not permitted to supply their own refrigerators or microwave units.

The University does not allow students to supply their own personal refrigerator units for safety reasons. The Office of Residence Life offers a refrigerator rental program through a regional vendor. Students residing in Park Village and Chlapaty Hall are eligible to participate in this program. There may be no more than one rented refrigerator in any single or double residence room. Information is available through the Office of Residence Life.

### *Firecrackers/Fireworks*

#### Fireworks Possession or Use on Campus

The possession, use, or distribution of fireworks, explosives, incendiaries, flammables, or mixing of dangerous chemicals to produce such reactions is prohibited.

### *Smoking*

#### *Tobacco Products*

The Iowa Clean Air Act became effective on July 1, 2008 and bans the use of tobacco-related products (encompassing cigarettes, chew, snuff, snus, pipes, cigars, hookah, water pipes, vaporizers, etc.) in all indoor and outdoor spaces on the campus including: all University property, parking lots (including in one's own personal vehicle,) athletic fields, stadiums, University vehicles, apartments, residence halls,

and on University sidewalks. The law prohibits smoking within 25 feet of a building entrance. The law doesn't prohibit smoking on public sidewalks around the University. The law takes a firm position concerning the failure to maintain a smoke-free campus that will result in civil penalties for both the individual and the University. In addition, the University similarly prohibits use of e-cigarettes on campus.

#### *Smoking and/or Tobacco Use*

Smoking and/or tobacco use on UD campus, including in any University owned or controlled buildings or vehicles, or within a 25-foot allowance from any building doorway or window is a smoking violation. Hookahs, e-cigarettes, and/or other similar devices are prohibited on campus. By directive of the City of Dubuque Fire Marshall, students found to be smoking on campus will be fined \$750 per incident.

The Iowa Clean Air Act that became effective on July 1, 2008 bans the smoking of tobacco in all indoor and outdoor spaces on the campus including: all University property, parking lots (including in one's own personal vehicle), athletic fields, stadiums, University vehicles, apartments, residence halls, and University sidewalks. The law doesn't prohibit smoking on public sidewalks around the University, but a 25-foot allowance from any building doorway or window must be adhered to. The law takes a firm position concerning the failure to maintain a smoke-free campus that will result in civil penalties for both the individual and the University.

### **Policies pertaining to Fire Safety**

#### *Fire Safety/Fire precautions*

##### *Safety and Fire Prevention: Equipment Tampering*

Tampering with, damaging, destroying, or improperly using safety equipment or fire-prevention equipment such as exit lights, stair rails, fire exit doors, smoke detectors, fire alarms, fire escape stairs, or corridors. By directive of the City of Dubuque Fire Marshall, students found to have tampered with equipment will be fined \$750 per incident.

Setting off a false alarm is also a criminal offense under the City of Dubuque Fire Code, Section 10202, and is punishable by a court fine of \$100 and/or 30 days in jail. Students who do not leave during a fire alarm may be referred to the City of Dubuque and are subject to a fine of up to \$750 for a first offense and \$1,000 for any subsequent offense.

In addition to other sanctions, restitution charges for fire extinguishers are:

- Recharge Costs: ABC Dry-Chemical - \$55.00; Water Extinguisher - \$45.00
- Replacement Costs: ABC Dry-Chemical - \$105.00; Water Extinguisher - \$95.00

#### *Fire Setting and Arson*

The deliberate act of lighting a fire without authorization. This includes use of fireplaces, candles, incense, or any other flammable or smoldering device in a residence hall or campus building. Arson is the act of setting a fire with the intention of destroying property.

### *Smoke detectors in rooms*

All residential dorms as well as residential homes that UD owns/rents to students all have smoke detectors. These are maintained by UD facilities and maintenance department. The residence life staff frequently walks through all residential areas as well as UD Safety and Security.

### **Plans for future improvements**

In 2019, Flip Charts describing 'all hazards' along with evacuation maps will be posted in building and in the residence halls. All building evacuation plans will be tested during the 2019-2020 academic year. All students and staff should familiarize themselves with the evacuation routes for the buildings they frequent.