

## What Constitutes a Title IX Sexual Misconduct?

*Any sexual behaviors that violates the University of Dubuque's Code of Conduct and/or Title IX Policy.*

*Examples and definitions of sexual misconduct:*

**Sexual Harassment:** Conduct on the basis of sex that satisfies one or more of the following:  
Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity.

An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct.

**Sexual Exploitation:** When a person takes non-consensual or abusive sexual advantage of another for self-serving advantage or benefit, or to benefit or advantage anyone other than the one being directly exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses.

**Stalking:** Stalking is a course of conduct, directed at a specific person, on the basis of actual or perceived membership in a protected class, that would cause a reasonable person to feel fear. Repetitive and menacing pursuit, following, harassing, and/or interfering with the peace and/or safety of another or suffer substantial emotional distress. Any other university policies may fall within this section when a violation is motivated by the actual or perceived membership of the reporting party's sex or gender.

**Sexual Assault:** The term "sexual assault" means any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Includes: rape, fondling, incest, and statutory rape.

**Domestic/Dating Violence:** A pattern of violence or abuse, power and control between those in an intimate relationship with each other. Some examples of dating or domestic violence include threatening a partner or their family, coercing them into doing something they don't want to do, constantly belittling them, controlling what they can and cannot do, or physically hitting, kicking, punching, slapping, or scratching.

*More definitions & further information found at:*

<https://www.dbq.edu/AboutUD/TitleIX/>

## Resources

City of Dubuque Police  
911

UD Campus Safety & Security  
563.589.3333

UD Smeltzer-Kelly Student Health Center  
563.589.3360

Unity Point Health Finley Hospital  
563.582.1881

Mercy Medical Center  
563.589.8000

UD Counseling Center  
563.589.3360

Riverview Center's Crisis Line (24/7)  
888.557.0310

Waypoint Services: Crisis Line  
1-800-208-0388

Hillcrest Family Services  
Outpatient Counseling: 563.582.0145

LGBTQ Helpline: 866.488.7386



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UNIVERSITY of DUBUQUE

# Title IX: Sexual Misconduct

*"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance."*

*-Title IX of the Education Amendments of 1972*

*This brochure aims to introduce people to critical information. For a complete review and with any questions, please contact a member of the Title IX team.*

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## Process of Investigation

- The University will take appropriate steps to accommodate the needs of the involved parties; examples may include but not limited to no contact directives, adjustments of schedules (work and/or academic), living arrangements.
- Title IX coordinators will interview the parties involved including witnesses following a disclosure.
- The reporting party and responding party will be provided written notice of the allegation.
- There are informal and formal investigation models used, however the informal model will never be used in instances of violence or forced sexual activity.
- The standard used to determine accountability will be preponderance of evidence, whether it is more likely than not that the accused has violated the Student Code of Conduct policy.
- Further information can be found at:  
<https://www.dbq.edu/AboutUD/TitleIX/>

## Advocacy Role



Listen and try to understand. Reassure them that they have your love and support.



Reassure them that it is not their fault.



Believe **them**.

Allow them to speak for themselves unless they specifically want you to speak on their behalf.



Encourage them to report it or get help.



Allow them to make their own decision on what step they would want to take.



## Have You Been Assaulted?

- Get to a safe place as soon as **possible**.
- Call someone you **trust**:
  - ◇ Family, close friend, UD Staff;
  - ◇ UD Campus Safety & Security  
563.589.3333
- Get to the nearest **hospital**:
  - ◇ All medical treatment following a reported sexual assault is free.
- Procedures to preserve **evidence**:
  - ◇ Avoiding bathing, urinating, douching, brushing teeth, or drinking **liquids**;
  - ◇ If possible, clothes should not be changed but if they are bring all the original clothing to the hospital in a **bag**.
- Seek support

## For Your Well-being

- Don't blame **yourself**.
- Don't wait to get help or report **it**.
- Don't try to handle the situation on your own
- Ask for **help**.

## Consent

*An informed, freely, and actively given communication that is mutually understood between all persons involved in the sexual encounter. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. It is the responsibility of the initiator of sexual contact to make sure they understand fully what the person with whom they are involved wants and does not want sexually. Consent does not imply consent to future sexual acts.*

## Confidentiality

If you would like to report an incident or speak to someone and you desire that details of the incident be kept confidential, you should speak with members of the Counseling Center, the campus chaplain, or Riverview Center, who will maintain confidentiality to the extent permitted by law. Both campus counselors and Riverview Center advocates are available to help you free of charge, and can be seen on an emergency basis.

Those who have experienced sexual misconduct should know that all University employees must relay disclosures to the Title IX Coordinators, Campus Security, or through the online reporting form or by calling the anonymous reporting hotline.

## Amnesty

The University community encourages the reporting of sexual misconduct and Code of Conduct violations. Involved parties may be hesitant to report to University officials because they fear that they may be charged with policy violations, such as underage drinking at the time of the incident. It is encouraged that involved parties choose to report to University officials to ensure that they receive adequate resources. While violations to policy cannot be completely overlooked, the University will provide educational options rather than punishment, in such cases.