



DES MOINES UNIVERSITY

POLICIES AND PROCEDURES

Department: Des Moines University
Subject: Sexual Misconduct
Date Issued: October 24, 2013
Date Reviewed:
Reviewed By: Erika Linden, Chief Compliance Officer
Date Approved: October 24, 2013
Approved By: Angela Franklin, PhD, President

I. INTRODUCTION

This policy is written to increase awareness about sexual misconduct on campus and to assist students and employees in coping with sexual misconduct if it occurs. Although Des Moines University (DMU) considers this Policy on Sexual Misconduct and related information pertaining to sexual misconduct to be of vital importance to University faculty, students and employees, the University explicitly disclaims any contract, warranty or guarantee of safety between it and others on the campus arising out of the following policy statements and information.

The University's statement on non-discrimination and harassment and contact information for reporting sexual misconduct is available at: <http://www.dmu.edu/legal/>.

II. SCOPE

This policy applies to all students and employees of the University.

III. DEFINITION OF SEXUAL MISCONDUCT

Sexual misconduct offenses include, but are not limited to:

- Sexual Harassment
- Non-Consensual Sexual Contact (or attempts to commit same)
- Non-Consensual Sexual Intercourse (or attempts to commit same)
- Sexual Exploitation

A. "Sexual harassment" is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature, when:

- Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment or status in a course, program or activity;
- Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; or

- Such conduct is sufficiently severe, pervasive or persistent that it has the effect of interfering with the individual's work or academic performance by creating an intimidating, hostile, or offensive working and/or learning environment or of interfering with or limiting one's ability to participate in or benefit from an educational program or activity.

B. "Non-Consensual Sexual Contact" is defined as:

- any intentional sexual touching,
- however slight,
- with any object,
- by a man or a woman upon a man or a woman,
- that is without consent and/or by force.

Sexual contact includes: Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

C. "Non-Consensual Sexual Intercourse" is defined as:

- any sexual intercourse,
- however slight,
- with any object,
- by a man or woman upon a man or a woman,
- that is without consent and/or by force.

Intercourse includes: Vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

D. "Sexual Exploitation" occurs when an individual takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy;
- Prostituting another student or employee;
- Non-consensual video or audio-taping of sexual activity;
- Going beyond the boundaries of consent;
- Engaging in voyeurism;
- Knowingly transmitting an STI or HIV to another student or employee;
- Exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals;
- Sexually-based stalking and/or bullying.

IV. STATEMENT OF POLICY

The University will not condone or tolerate sexual misconduct by individuals against any member of the University community, including students, faculty and staff. Any student or University employee charged with sexual misconduct on or off campus can be prosecuted under criminal statutes and disciplined under the appropriate student or employee handbook, or faculty document. Even if the criminal justice authorities choose not to prosecute, the University reserves the right to pursue disciplinary action in accordance with its disciplinary practices.

The goal of the University is to prevent the occurrence of sexual misconduct in the campus community, reduce vulnerability to sexual misconduct, improve campus safety, encourage students, faculty and employees to take more responsibility for themselves and others, make the public aware of the nature of sexual misconduct and its impact on women and men and to reduce the trauma of people who have experienced sexual misconduct.

V. PROCEDURES

Any student, faculty or staff member who believes he or she has been a victim of sexual misconduct should seek immediate assistance from one or more the following:

1. Des Moines Police 911
2. DMU Security Office 515-271-1471
3. Director of Student Life 515-271-1684
4. Director of Human Resources 515-271-1485
5. Title IX Coordinator 515-271-1526
6. Student Counseling Center 515-271-1681 or email at counseling@dmu.edu
7. Polk County Victim Services 515-286-3600
8. Polk County Victim Svcs (rape crisis number) 515-286-3535
9. Iowa Sexual Abuse Hotline 800-284-7821
10. Employee Assistance Program 800-732-4490

While the decision to report belongs to the victim, seeking some kind of assistance is strongly encouraged. Whichever resource you contact will treat your circumstances professionally and confidentially and can help make referrals to other helpful services. For those who are victims of sexual assault, it is important to get immediate medical attention. A physical examination will help to assure that any injuries will be identified and treated and that sexually transmitted disease testing will be provided. Evidence will be obtained and kept in case the victim decides to press charges. Do not bathe, shower, douche, or change clothes before the examination.

Victims are also encouraged to seek counseling. Support by a trained counselor can help the victim understand and work through the trauma of the incident. Counselors can also help others who are close to the victim. See Section VII for contact information for additional counseling resources.

The University will cooperate fully with law enforcement authorities involving situations of criminal misconduct. The University will also conduct an investigation of incidents of

sexual misconduct consistent with its obligations under federal law (Higher Education Act). The University's internal investigation will proceed whether or not civil authorities take any action. During the University's investigation, the accused and accuser are entitled to have others present during investigation and disciplinary proceedings, however, while these individuals may counsel the accused or accuser, they may not present on their behalf. The accuser and accused will both be informed of the University's final decision. Faculty, staff or students found to have violated the sexual misconduct policy will be disciplined, up to and including termination or expulsion.

VI. PREVENTION AND EDUCATION

Sexual misconduct information will be presented during new student orientation with university-wide programming occurring throughout the academic year in accordance with the requirements of Title IX of the Education Amendments of 1972. All new employees are required to complete United Educator's online harassment/discrimination training overseen by Human Resources. Employees are required to complete this online training every three years. During new employee orientations, the Director of University Services discusses the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Jeanne Clery Act) and explains campus security procedures and where DMU crime statistics can be found online and in person. In compliance with the Jeanne Clery Act, DMU's annual security report containing information about our campus security policy and crime statistics are communicated out campus-wide annually on October 1st. Crime statistics can be viewed on-campus during business hours by visiting the Security Office (ext. 1471) located in Ryan Hall, Room 140.

VII. COUNSELING & CONFIDENTIALITY

Immediate crisis intervention, care, and supportive services are available at the Polk County Victims Services located at 525 SW 5th St, Suite 8, Des Moines, IA 50309. The rape crisis number is 515-286-3535. The regular number is 515-286-3600. Complaints of sexual misconduct will be treated with the maximum possible degree of confidentiality. Only in accordance with legal requirements or where personal safety is at issue will confidential information be acted upon or disclosed to others without complainant's consent.

For students:

- Student Counseling Center and Student Health Services are designated as locations on-campus where individuals may seek confidential assistance.
 - Student Counseling Center – Academic Center, Room 438, 515-271-1681 or via email at counseling@dmu.edu
 - Student Health Services – DMU Clinic 5th Floor, 515-271-7883
 - Aetna Student Assistance Program (SAP), 1-877-351-7889 (24/7, 365)

For employees:

- Employee Assistance Program (EAP): free confidential counseling for University employees is available through the Assistance Center operated by UnityPoint.
 - Assistance Center – 515-263-4004 or 1-800-732-4490 (24/7, 365)

VIII. CAMPUS SECURITY

The presence of on-campus security consists of the Security Office (ext. 1471) in Ryan Hall, Room 140, supplemented by contract security services which conduct nightly periodic drive- and walk-through service of the entire campus. The Security Office has established working relationships with state law enforcement officials, as well as with city patrol and detective officials.

IX. IOWA SEX OFFENDER REGISTRY INFORMATION

The federal Campus Sex Crimes Prevention Act requires institutions of higher education to advise their campus community where to obtain law enforcement agency information provided by a State concerning registered sex offenders. It also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, or is a student. A registry of sex offenders is maintained by the State of Iowa at: www.iowasexoffenders.com. WARNING: the information on the Iowa Sex Offender website and the information available to local law enforcement agencies may be inaccurate, incomplete, or out-of-date.

X. RESOURCES FOR VICTIMS

Sexual assault is serious, violent and frightening. The resources listed below, among many others, are available to help victims who are traumatized by the incidents.

Student Counseling Center (DMU Students)

3200 Grand Ave, AC 438

Des Moines, IA 50212

515-271-1681 or via email at counseling@dmu.edu

<http://www.dmu.edu/student-services/student-counseling-center/>

Aetna Student Assistance Program (SAP for DMU Students)

1-877-351-7889. 24/7, 365 days a year.

Employee Assistance Program (Faculty and Staff) operated by UnityPoint for DMU

515-263-4004 or 1-800-732-4490. 24/7, 365 days a year.

Polk County Victims Services

525 SW 5th Street, Suite 8

Des Moines, IA 50309

515-286-3600

Rape crisis number: 515-286-3535

Iowa Sexual Abuse Hotline

1-800-284-7821