



Des Moines University Clinic – Physical Therapy at the RecPlex 2021 ANNUAL SECURITY REPORT

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Introduction

This report is provided in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, as amended. It provides students and employees of Des Moines University Osteopathic Medical Center ("University") who study or work at the Des Moines University Clinic – Physical Therapy at the RecPlex ("PT at RecPlex Clinic" or "Clinic") with information on: the University's security arrangements, policies and procedures; programs that provide education on such things as drug and alcohol abuse, awareness of various kinds of sex offenses, and the prevention of crime generally; and procedures the University will take to notify them in the event of an emergency. Its purpose is to provide students and employees with information that will help them make informed decisions relating to their own safety and the safety of others.

The PT at RecPlex Clinic opened in September 2021 and will begin serving as an educational site for University students in January 2022. The PT at RecPlex Clinic is located within the MidAmerican Energy Company RecPlex ("RecPlex") which is owned by the City of West Des Moines. The University leases space in the RecPlex building for the Clinic.

Policy for Preparing the Annual Report

This report is prepared by the Chief Compliance Officer/Title IX Coordinator and the Campus Services Manager, who will seek input from local law enforcement authorities and include information provided by them as well as by the University's campus security authorities and various other elements of the University. The University also prepares and maintains a separate Annual Security Report for its main campus in Des Moines.

Each year an e-mail notification is made to all enrolled students and employees that provides the website link to access this report. Prospective students and employees are also notified of the report's availability. Hard copies of the report may also be obtained at no cost by contacting Philip Baughman, Campus Services Manager, Ryan Hall, 3320 Grand Avenue, Des Moines, IA 50312, 515-271-1430. The University is committed to taking the actions necessary to provide a safe and secure working/learning environment for all students and staff. As a member of the campus community, you can feel safe and comfortable knowing that security procedures are in place that represent best practices in the field and are constantly tested and re-evaluated for their effectiveness.

General Safety and Security Policies

Campus Security Personnel & Relationship with Local Law Enforcement

The University maintains a Security Office at its main campus location but does not have campus security or a police department at the PT at RecPlex Clinic. The Security Office serves as a point of contact for security and safety issues occurring at the PT at RecPlex Clinic. Students and employees at the PT at RecPlex Clinic can also contact the MidAmerican Energy Company RecPlex on-site staff for immediate assistance with security or safety issues within the larger RecPlex facility; however, those staff members do not serve in any official University capacity. While the University does not have any written agreements with local law enforcement agencies, it does maintain a close working relationship with local police.

Campus Security Authorities

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

- Chief Compliance Officer/Title IX Coordinator at 515-271-1526
- Campus Services Manager at 515-271-1340
- Director of Facilities Management at 515-271-1472
- Senior Vice President and Chief Financial Officer at 515-271-1475
- Vice President of Academic and Student Affairs at 515-271-1462
- Director of Student Affairs and Conduct Officer at 515-271-1457
- Chief Human Resources Officer at 515-271-1485
- Site Supervisor at PT at RecPlex Clinic at 515-271-7802

Reporting a Crime or Emergency

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

- Situations that pose imminent danger or while a crime is in progress should be reported to local law enforcement by calling 911 from any clinic or mobile phone. Keep in mind that the individual making the call from a mobile phone will need to provide the address where the emergency has occurred. The address of the PT at RecPlex Clinic is 6500 Grand Ave, West Des Moines, IA 50266.
- All crimes occurring on or near the PT at RecPlex Clinic property should be reported immediately to the main DMU campus Security Department at 515-271-1471 or to one of the campus security authorities listed above. Once reported, the individual may also be encouraged to report the situation to the appropriate police agency. If requested, a University staff member will assist in making the report to police.
- Unsafe conditions may also be reported to prevent future incidents.

Every person on campus shares responsibility for the safety and security of the University. Members of the DMU community are also encouraged to report concerning

behavior before it escalates to violence and may do so by using the DMU Cares reporting form and process which is available on DMU's Pulse intranet. The DMU Cares process allows the campus community to identify faculty, staff, or students in distress and to appropriately funnel the concern to a key leader who can provide resources to the distressed individual. Ensuring that resources are made available to an individual who may be experiencing an emotional crisis requires the committed effort of the University community. Faculty, staff, and students are our best resources in identifying a possible emotional crisis before it intensifies.

Confidential Reporting

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

For incidents covered under the University's Title IX Sexual Harassment policy, when a Reporting Official becomes aware of alleged misconduct under that policy (including, but not limited to, dating violence, domestic violence, sexual assault, and stalking), the Reporting Official is responsible for reporting that information, including the status of the parties, if known, to the Chief Compliance Officer, who also serves as the Title IX Coordinator. Other employees are strongly encouraged to report this information to the Chief Compliance Officer.

A victim of any other type(s) of crimes (e.g., aggravated assault, burglary, etc.) who does not want to pursue action within the University disciplinary system or the criminal justice system is nevertheless encouraged to make a confidential report to a campus security authority. Upon the victim's request, a report of the details of the incident can be filed with the University without revealing the victim's identity. Such a confidential report complies with the victim's wishes while helping the University take appropriate steps to ensure the future safety of the victim and others. With such information, the University can keep an accurate record of the number of incidents involving members of the campus community, determine where a pattern of crime may be developing and alert the community as to any potential danger. These confidential reports are counted and disclosed in the annual crime statistics for the University.

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

Security of and Access to Campus Facilities

The PT at RecPlex Clinic is open for patient care and athletic training client services from 5:00 am - 7:00 pm on most business days. At other times, doors are secured and access to the Clinic is allowed only for staff members with keys or approved security access ID badges; entries using ID badges are logged and may be used for investigation when improper access is suspected.

The access control system is for safety, so individuals should not prop doors open, open doors for unauthorized individuals under any circumstances, or lend keys or ID badges to others. Individuals experiencing problems with ID badges may call 515-271-1471 or go to the main campus Security Office, Ryan Hall, Room 140. Lost or missing ID badges or keys should be reported to the Security Office immediately by calling 515-271-1471.

Electronic access and keys to the PT at RecPlex Clinic are issued to employees only as needed and after receiving the proper authorization. The Site Supervisor is responsible for assuring the area is secured and locked.

Students and employees are required to wear their ID badges while in the Clinic. ID badges may be used to verify the identity of persons suspected to be in campus facilities without permission.

Students and employees must adhere to policies regarding unauthorized access to DMU facilities, theft of or damage to DMU property, or other criminal activity. In particular, rendering inoperable or abusing any fire prevention or detection equipment is prohibited.

Violation of these policies may lead to disciplinary action, up to and including termination or dismissal and the filing of charges with law enforcement authorities.

The RecPlex, in which the physical therapy clinic is located, has more than 60 closed-circuit security cameras that record video 24/7. These cameras record all entrances and are strategically located throughout the RecPlex buildings and parking lots. Security camera system and surveillance is operated and maintained by the RecPlex facility management.

Security Considerations in the Maintenance of Facilities

The University works with the RecPlex facility staff and general manager to identify maintenance issues that may be safety hazards. Safety checks are completed periodically to assure facilities and safety equipment are functioning properly and assess possible safety hazards.

Any maintenance issues or safety hazards observed should be reported to the PT at RecPlex Clinic Site Supervisor or RecPlex staff so a work order can be generated to correct any problem areas. The University periodically conducts safety audits and engages with local law enforcement and other safety risk specialists to assess campus grounds for security risks.

Educational Programs Related to Security Awareness and Prevention of Criminal Activity

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

The University provides information at the beginning of each academic term for students and employees regarding the University's security procedures and practices through the mechanisms outlined below. Among other things, DMU advises students and employees of the importance of reporting criminal activity, to whom crimes should be reported, being responsible for their own safety and the safety of others, and practices regarding timely warnings and emergency notifications.

- **Orientation Program:** This program is provided to new students and employees. Prior to matriculation, incoming students are provided a presentation by the Campus Services Manager. The Campus Services Manager discusses the Clery Act and explains campus security procedures; describes past criminal activity, methods to report crimes, and

strategies for crime prevention; and explains where DMU crime statistics can be found online and in person. DMU's emergency notification system, called Omnilert, is described and students and employees learn how to add their own devices to the system to supplement the automatic notices that will go to their DMU email account from the Omnilert system.

- Health and Safety Information: Prior to matriculation, incoming students are provided a presentation by the Health and Safety Manager. The Health and Safety Manager explains safety practices, injury reporting, locations of AEDs, emergency response procedures, and instructions for finding the Emergency Preparedness Reference Guide and other resources on Pulse. New employees receive an orientation to DMU's safety procedures during onboarding.
- DMU's Emergency Operations Plan, emergency procedures, evacuation plan and shelter locations, and building action plans, among other resources, are posted on the Health and Safety page on Pulse.
- Crime Prevention Material: Email blasts are sent periodically to employees and students by the Health and Safety Manager and the Director of Facilities Management with crime prevention and other safety tips. Messages are sent or posted by "Safety Mama," an avatar created by DMU to remind students and employees about basic safety practices. In addition, crime prevention resources are posted on the Health and Safety and Facilities Management pages on Pulse.
- Safety Notices: Notices will be sent out to the campus community periodically when any actual or potential crime is considered to be of ongoing concern. Among other things, these notices advise students and employees of the importance of reporting criminal activity, to whom crimes should be reported, being responsible for their own safety and the safety of others and practices regarding timely warnings and emergency notifications.
- Campus Safety Week: Programming during an annual campus safety week includes information on personal safety, emergency response and preparedness, and violence prevention, including a training program on responding to violent intruders.
- Policies: Guidance for employees on campus security procedures and safety practices is provided through several policies accessible to employees and students on DMU's PolicyStat online platform. These policies include: Violence Prevention policy, Emergency Alerts to Campus policy, Weapons-Free Campus policy, Clery Compliance policy, Campus Security Authorities policy, and Facility Security Plan.

Monitoring Off Campus Locations of Recognized Student Organizations

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

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

Upon written request, the University will disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the University against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of the paragraph.

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

Drug and Alcohol Policy

Des Moines University is an academic health center committed to wellness, holistic health care and professional standards of behavior. The inappropriate use of drugs and alcohol by students and employees potentially threatens the health, safety and wellbeing of the campus community. The University is concerned about students who improperly use alcohol and other drugs and the effects such use may have on their academic success, interpersonal relationships and, ultimately, their professional future. In addition to promoting a positive academic and work environment, the University is committed to preventing alcohol and drug abuse and bringing alcohol and drug awareness to all members of the University community.

In its [Alcohol and Other Drugs policy](#), the University prohibits the possession, use, and sale of alcoholic beverages on campus or as any part of the University's activities, unless it is done in accordance with applicable University policies. The University also enforces the state's underage drinking laws. The possession, sale, manufacture, and distribution of illegal drugs is prohibited on campus or as any part of the University's activities. The University enforces federal and state drug laws. Violators of the University's policies or federal and state laws regarding illegal drugs will be subject to disciplinary action and possibly criminal prosecution.

The University strongly supports education and treatment programs as the most effective means to help prevent and reduce alcohol abuse. In addition, the University is committed to providing an academic and social environment that supports individual freedom while promoting individual responsibility, health and safety, and community welfare. To that end:

1. The University expects that those who wish to include alcohol as part of their activities will do so responsibly and lawfully.
2. Persons planning events on campus or University facilities should be mindful of the complexities introduced into planning an event with alcohol. Event management issues (the presentation of entertainment, provision of refreshments, management of the participants or audience, security, and other factors) require serious attention for any event, and even more for an event at which alcohol is served. Event organizers must fully understand the University's [Alcohol and Other Drugs policy](#) and applicable laws and manage their events accordingly.
3. Organizations may not plan events, either on-campus or off-campus, that promote or encourage the consumption of alcohol as a primary feature of the event. Persons planning events should remember that the majority of University events take place without alcohol, and that when alcohol is approved, the University expects those in attendance who consume alcohol to do so responsibly.

While some states have wholly legalized the use and sale of marijuana, only limited possession and use of cannabidiol is allowed for medical use in the state of Iowa. Federal law continues to classify marijuana as an illegal drug. As such, the University will consider marijuana use as a violation of law and its [Alcohol and Other Drugs policy](#), unless the use occurs in compliance with state law and regulations governing medicinal use.

Federal Drug Laws

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

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

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

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

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

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

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

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

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

Drug and Alcohol State Laws

Category	Summary (Iowa Code)
Possession of Marijuana	Marijuana is a Schedule I controlled substance. Iowa Code § 124.204. Recreational use of marijuana is prohibited in Iowa. Iowa Code § 124.401. First time violation of the law results in a serious misdemeanor, punishable by imprisonment of not more than 6 months, a fine of not more than \$1000, or both. <i>Id.</i> Medical marijuana is also illegal, with the exception of certain specifications of cannabidiol, pursuant to a prescription. <i>See generally</i> Iowa Code Chapter 124E.
Controlled Substances	Iowa has a range of statutes governing controlled substances and their possession and distribution. Iowa Code §§ 124.101 – 124.418. It is unlawful to knowingly or intentionally possess a controlled substance without a prescription. Iowa Code § 124.401. Doing so is a serious misdemeanor for a first offense. A second offense is an aggravated misdemeanor. Possession of a controlled substance near schools or certain other public properties may also result in one hundred hours of community service. Iowa Code § 124.401B. It is unlawful to manufacture, deliver, or possess with the intent to manufacture or deliver a controlled substance, and violation of the law results in a felony, punishable by a prison time and fines, depending on the the type and amount of substance at issue. Iowa Code § 124.401. As an example, possession of 50 grams of heroin results in a fine between \$1000 and \$50,000.
Alcohol and Minors	A person under 21 shall not purchase, attempt to purchase, or consume alcoholic beverages. Iowa Code § 123.47. Doing so results in a simple misdemeanor punishable by a fine of \$260. Iowa Code § 805.8C(7). For a second offense, the fine is \$500, and either a substance abuse evaluation or a suspension of driving privileges up to one year. Iowa Code § 123.47.
Driving Under the Influence (DUI)	A person is guilty of an OWI (Operating While Intoxicated) if he or she operates a vehicle with a blood alcohol concentration of 0.08 percent or more. Iowa Code § 321J.2. A first offense results in a serious misdemeanor charge with a minimum of 48 hours and up to one year in jail and a fine of \$1250. <i>Id.</i> A second offense is an aggravated misdemeanor.

Drug and Alcohol Abuse Prevention Program

The University is committed to creating and maintaining an environment that is free of alcohol and drug abuse. DMU believes that the abuse of alcohol, drugs and other illegal substances can have a negative effect on the performance of a student's intellectual and professional development, threatens the viability of a student's professional future, and may result in adverse impact on patient care. Through its [Alcohol and Other Drugs policy](#), DMU addresses substance use and prohibits the illegal manufacture, distribution, dispensation, possession and use of alcohol and illicit drugs by students and employees. Students are required to report any arrests, charges, convictions or pleas of no contest for criminal alcohol or drug law violations within five (5) business days of occurrence. Any employee convicted of a criminal drug law violation must notify the University within five (5) business days of said conviction. Failure to do so may result in termination of student or employee status.

For violations of standards of conduct set forth by the [Alcohol and Other Drugs policy](#), DMU will impose sanctions on students and employees, consistent with local, state and federal laws, the Agreement between the University and Local 1547 of the AFSCME-AFL-CIO, guidance on employment policies and procedures available to all employees on Pulse, and the Student Handbook. Sanctions may include, but are not limited to, completion of a substance abuse assessment and/or rehabilitation program, reprimand, restitution, probation, suspension, expulsion or termination for violations of the standards of conduct set forth by the policy. Additionally, the University may refer potential violations of criminal law to law enforcement for possible criminal prosecution.

The health risks associated with use of illicit drugs and controlled substances and the abuse of alcohol include but are not limited to the following:

- Psychological effects including depression, paranoia, etc.
- Impairment and/or permanent loss of mental ability and judgment
- Loss of immune system functions, for example, hepatitis
- Cardiac impairment and dysfunction
- Damage to tissues and vital organs – stomach, lungs, liver, etc.

DMU has a substance abuse and prevention program. DMU provides education and counseling regarding drug and alcohol abuse. This programming is intended to educate students and employees about the health dangers of substance abuse, and potential legal and professional ramifications, including practice limitations and restrictions, and loss of professional licensure. Such education is provided through a variety of methods including presentations, written communications, outreach activities through the Student Counseling Center, and distribution of the [Alcohol and Other Drugs policy](#) to new students and employees during orientation and annually thereafter.

The University's [Alcohol and Other Drugs policy](#) complies with federal and state guidelines under the Drug-Free Schools and Communities Act and Drug-Free Workplace Act and is referenced in the Student Handbook and posted on DMU's intranet. DMU enforces all federal, state and local laws regarding the unauthorized use, possession, distribution or sale of controlled substances, including laws on underage drinking. DMU enforces these laws through its student and employee conduct processes.

Internships and clinical rotations are an essential element in certain degree programs' curricula. Increasingly, host sites require drug testing for student participation; students with a positive drug test may be barred from certain rotations and consequently unable to fulfill degree program requirements. Therefore, Des Moines University has instituted a drug testing policy for students with the following goals:

- To promote the health, academic development, and professional progress of students at Des Moines University.
- To deter illicit drug use and drug abuse.
- To provide early detection and treatment of drug abuse.
- To reduce the risk and threat of injury to students and the public.

DMU students also undergo periodic criminal backgrounds checks; any alcohol or drug law violations identified through this means are addressed through the student conduct process.

The University supports substance abuse awareness and prevention through policy, education/training and referrals for counseling and treatment. For employees, this includes referrals to the Employee Assistance Program and employee health insurance. Students receive referrals for counseling and treatment through the Student Counseling Center or the Student Assistance Program.

The University conducts a biennial review of its alcohol and illegal drug abuse programming to determine its effectiveness and implement changes if they are needed and ensure that the designated sanctions are consistently enforced. The last biennial review was completed in December 2020 and was reviewed and approved by the University Board of Trustees. Inquiries regarding DMU's alcohol and drug abuse prevention program and the biennial review can be directed to the Chief Compliance Officer.

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

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

- Title IX Sexual Harassment Policy:
https://dmu.policystat.com/policy/token_access/d10c8d5b-20a8-4612-be38-92a0a1592389/
- Discrimination and Harassment Prohibition Policy:
https://dmu.policystat.com/policy/token_access/18a4f219-9c92-4ba9-b16a-d5d37e73d5e6/

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

Primary Prevention and Awareness Program:

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

Crime Definitions

Crime Type (Iowa Code)	Definitions
Dating Violence	The institution has determined, based on good-faith research, that Iowa law does not define the term dating violence.
Domestic Violence	The institution has determined, based on good-faith research, that Iowa law does not define the term domestic violence. However, Iowa law defines the following:

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

Crime Type (Iowa Code)	Definitions
	visible light beam amplified by the stimulated emission of radiation and any light which simulates the appearance of a laser.
Stalking (Iowa Code § 708.11.2)	<p>A person commits stalking when all of the following occur:</p> <ol style="list-style-type: none"> 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.
Sexual Assault (Iowa Code § 915.40)	<p>Iowa law defines "sexual assault" to mean sexual abuse as defined in section 709.1, or any other sexual offense by which a victim has allegedly had sufficient contact with a convicted or an alleged offender to be deemed a significant exposure.</p> <p>"Sexual abuse" in section 709.1 is defined as any sex act between persons is sexual abuse by either of the persons when the act is performed with the other person in any of the following circumstances: 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.</p>
Rape, Fondling, Incest, Statutory Rape	<p>For purposes of the Clery Act, the term "sexual assault" includes the offenses of rape, fondling, incest, and statutory rape. These definitions under Iowa law are as follows:</p> <ul style="list-style-type: none"> • Rape: The institution has determined, based on good-faith research, that Iowa law does not define the term rape. • Fondling: The institution has determined, based on good-faith research, that Iowa law does not define the term fondling. • Incest (Iowa Code § 726.2): A person, except a child as defined in section 702.5, who performs a sex act with another whom the person knows to be related to the person, either legitimately or illegitimately, as an ancestor, descendant, brother or sister of the whole or half blood, aunt, uncle, niece, or nephew, commits incest. • Statutory Rape: The institution has determined, based on good-faith research, that Iowa law does not define the term statutory rape.
Other "sexual assault" crimes	<p>Other crimes under Iowa law that may be classified as a "sexual assault" include the following:</p> <ul style="list-style-type: none"> • Sexual Abuse (Iowa Code § 709.1): Any sex act between persons is sexual abuse by either of the persons when the act is performed with

Crime Type (Iowa Code)	Definitions
	<p>the other person in any of the following circumstances: (1) The act is done by force or against the will of the other. If the consent or acquiescence of the other is procured by threats of violence toward any person or if the act is done while the other is under the influence of a drug inducing sleep or is otherwise in a state of unconsciousness, the act is done against the will of the other; (2) Such other person is suffering from a mental defect or incapacity which precludes giving consent, or lacks the mental capacity to know the right and wrong of conduct in sexual matters; or (3) Such other person is a child.</p> <ul style="list-style-type: none"> ○ Iowa Code § 702.17: The term "sex act" or "sexual activity" means any sexual contact between two or more persons by any of the following: (1) Penetration of the penis into the vagina or anus; (2) Contact between the mouth and genitalia or mouth and anus or by contact between the genitalia of one person and the genitalia or anus of another person; (3) Contact between the finger, hand, or other body part of one person and the genitalia or anus of another person, except in the course of examination or treatment by [certain healthcare providers]; (4) Ejaculation onto the person of another; (5) By use of artificial sexual organs or substitutes therefor in contact with the genitalia or anus. ● Sexual Abuse in the First Degree (Iowa Code § 709.2): A person commits sexual abuse in the first degree when in the course of committing sexual abuse the person causes another serious injury. ● Sexual Abuse in the Second Degree (Iowa Code § 709.3): A person commits sexual abuse in the second degree when the person commits sexual abuse under any of the following circumstances: <ul style="list-style-type: none"> ○ 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. ○ The other person is a child. ○ 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. ● Sexual Abuse in the Third Degree (Iowa Code § 709.4): A person commits sexual abuse in the third degree when the person performs a sex act under any of the following circumstances: <ul style="list-style-type: none"> ○ 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. ○ The act is between persons who are not at the time cohabiting as husband and wife and if any of the following are true: (1) The other person is suffering from a mental defect or incapacity which precludes giving consent; (2) <i>[Deleted by Acts 2021 (89 G.A.) S.F. 253, § 4, eff. July 1, 2021.]</i>; (3) The

Crime Type (Iowa Code)	Definitions
	<p>other person is fourteen or fifteen years of age and any of the following are true: (a) the person is a member of the same household as the other person; (b) the person is related to the other person by blood or affinity to the fourth degree; (c) the person is in a position of authority over the other person and uses that authority to coerce the other person to submit; (d) the person is four or more years older than the other person.</p> <ul style="list-style-type: none"> ○ The act is performed while the other person is under the influence of a controlled substance, which may include, but is not limited to flunitrazepam, and all of the following are true: (1) The controlled substance, which may include but is not limited to flunitrazepam, prevent the other person from consenting to the act; (2) The person performing the act knows or reasonably should have known that the other person was under the influence of the controlled substance, which may include but is not limited to flunitrazepam. ○ The act is performed while the other person is mentally incapacitated, physically incapacitated, or physically helpless. <ul style="list-style-type: none"> ● Lascivious Acts with a Child (Iowa Code § 709.8.1): It is unlawful for any person sixteen years of age or older to perform any of the following acts with a child with or without the child's consent unless married to each other, for the purpose of arousing or satisfying the sexual desires of either of them: <ul style="list-style-type: none"> ○ Fondle or touch the pubes or genitals of a child. ○ Permit or cause a child to fondle or touch the person's genitals or pubes. ○ Cause the touching of the person's genitals to any part of the body of a child. ○ Solicit a child to engage in a sex act or solicit a person to arrange a sex act with a child. ○ Inflict pain or discomfort upon a child or permit a child to inflict pain or discomfort on the person. ● Indecent Contact with a Child (Iowa Code § 709.12): A person eighteen years of age or older is upon conviction guilty of an aggravated misdemeanor if the person commits any of the following acts with a child, not the person's spouse, with or without the child's consent, for the purpose of arousing or satisfying the sexual desires of either of them: (a) Fondle or touch the inner thigh, groin, buttock, anus, or breast of the child; (b) Touch the clothing covering the immediate area of the inner thigh, groin, buttock, anus, or breast of the child; (c) Solicit or permit a child to fondle or touch the inner thigh, groin, buttock, anus, or breast of the person; (d) Solicit a child to engage in any act prohibited under section 709.8, subsection 1, paragraph "a", "b", or "e".

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

University Definition of Consent

The University uses the following definition of consent in its sexual harassment policies for the purpose of determining whether sexual violence (including sexual assault) has occurred: Consent is voluntary and knowing agreement to engage in sexual activity. Consent to engage in sexual activity must exist from the beginning to the end of each instance of sexual activity and for each form of sexual contact and with each sexual partner. Consent is demonstrated through mutually understandable words and/or clear, unambiguous actions that indicated a willingness to engage freely in sexual activity. Consent is active, not passive.

- Each participant in a sexual encounter is expected to obtain and give consent to each act of sexual activity. Consent in one form of sexual activity does not constitute consent for all forms of sexual activity. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.

- Silence or an absence of resistance does not imply consent.
- Past consent does not imply future consent.
- Consent is invalidated by use or threat of physical force, intimidation or coercion, or any other factor that would eliminate an individual's ability to exercise free will to choose whether or not to have sexual contact.
- Consent may be withdrawn by either party at any time, as long as that withdrawal is clearly communicated. Once withdrawal of consent has been expressed, sexual activity must cease.
- Someone who is incapacitated cannot give consent. This includes mental or physical incapacitation or physical helplessness from: alcohol and/or other drug consumption (voluntarily or involuntarily); blackout; developmental disability; inability to communicate because the person is unconscious, asleep or otherwise physically limited; and bodily impairment which substantially limits the person's ability to resist or flee.
- In the state of Iowa, the age of consent is 16.

Risk Reduction

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

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

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

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

- Be aware of the signs of incapacitation, such as slurred speech, bloodshot eyes, vomiting, unusual behavior, passing out, staggering, etc.

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

Bystander Intervention

A community is a place where the members look out for each other and support each other. All members of the community have a role to play to keep themselves and others safe. In this spirit, DMU encourages students and employees to take action as engaged bystanders when they observe situations that are or may become harmful to others. They can start by noticing a situation, interpreting it as potentially harmful, and then assuming responsibility for intervening. The positive effect of engaged bystanders is well established in helping de-escalate potentially violent or harmful situations.

Bystanders are not asked to rush in or put themselves at physical risk. They are asked to consider if there are actions that could change the trajectory of a situation and therefore the outcome. There is no one-size-fits-all response and each bystander must decide on the safest and most effective way to intervene.

Bystanders don't have to act alone and, in fact, may be more effective when engaging others to help. Bystanders can take direct actions, such as asking the offender to stop, or indirect actions by creating a distraction to divert the attention of the offender. Sometimes, simply making it apparent that they are observing the conduct can be sufficient to get the offender to abandon their effort and give the victim the opportunity to get away from the situation. Bystanders are never expected to put themselves in harms' way and instead should call 911 if the risk for physical harm seems high.

Bystander intervention tips:

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

Other Information Covered by the PPAP

The PPAP also provides information on possible sanctions and protective measures that may be imposed following a determination that an offense of dating violence, domestic violence, sexual

assault, or stalking has occurred, an explanation of the disciplinary procedures that will be followed when one of these offenses is alleged, the rights of the parties in such a proceeding, available resources, and other pertinent information. Much of this information is set forth in the upcoming sections of this security report.

Ongoing Prevention and Awareness Campaign:

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

PPAP and OPAC Programming Methods:

The PPAP and OPAC are carried out in a variety of ways, using a range of strategies, and, as appropriate, targeting specific audiences throughout the University. Methods include, but are not limited to: online presentations, distribution of written materials, periodic email blasts, and presentations, workshops and guest speakers. A summary of this programming is provided below.

New students receive education on the prevention of dating violence, domestic violence, sexual assault, and stalking through online training and information presented from the Chief Compliance Officer/Title IX Coordinator during orientation. All new employees receive discrimination, harassment and sexual violence prevention training from the Chief Compliance Officer/Title IX Coordinator at orientation and are required to complete online training on these topics within one month of hire. All employees are required to complete this online training every three years.

The University also conducts OPAC aimed at all students and employees. This campaign covers the same material as provided in the PPAP, but is aimed at increasing the understanding of students and employees on these topics and improving their skills for addressing the offenses of domestic violence, dating violence, sexual assault, and stalking. The OPAC is carried out using a range of strategies with a variety of audiences throughout the University including, but not limited to: online presentations, distribution of written materials, email and portal announcements, and in-person presentations by campus employees and guest speakers. While programming occurs throughout the year, the University also offers educational sessions in coordination with nationally recognized observances such as Sexual Assault Awareness Month. Because DMU is a health sciences institution, such events often include a focus on recognizing and responding to sexual harassment or violence and domestic violence for those involved in health care.

Each year, employees receive instruction on reporting discrimination and harassment, including sexual harassment, that includes guidance on what to report, how to report, and how to provide support and resources to victims.

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

If you are a victim of dating violence, domestic violence, sexual assault, or stalking, you can get immediate assistance from the police by calling 911 or DMU's Campus Security Office at 515-

271-1471. Counselors at the Student Counseling Center at 515-271-1392 can provide confidential assistance for students. Employees can reach out to the Employee Assistance Program at 1-800-327-4692 for confidential assistance. You may also contact the University's Chief Compliance Officer/Title IX Coordinator at 515-271-1526. Any of these individuals can provide referrals to local, off-campus agencies specializing in support to those affected by dating violence, domestic violence, sexual assault or stalking. The Chief Compliance Officer/Title IX Coordinator is the primary contact for an individual who wants to make a formal report of sexual harassment, including dating violence, domestic violence, sexual assault, or stalking, and request the institution initiate an investigation.

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

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

Preservation of Evidence & Forensic Examinations

Victims of physical assault are advised to not remove clothing items worn during or following an assault, as they frequently contain valuable fiber, hair, and fluid evidence. Don't bathe or wash, or otherwise clean the environment in which the assault occurred. You can obtain a forensic examination at these facilities located in the Des Moines, Iowa area:

- UnityPoint - Methodist Hospital located at 1200 Pleasant Street, Des Moines, 515-241-6212
- UnityPoint – Methodist West Hospital located at 1660 60th Street, West Des Moines, 515-343-1000
- MercyOne Des Moines Medical Center located at 1111 6th Avenue, Des Moines, 515-247-3121
- MercyOne West Des Moines Medical Center located at 1755 59th Place, West Des Moines, 515-358-8000
- Broadlawns Medical Center located at 1801 Hickman Road, Des Moines, 515-282-2253

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

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

Security/Law Enforcement & How to Make a Police Report

- DMU Security Office, 515-271-1471
- West Des Moines Police Department, by phone at 911 (if emergency) or 515-222-3320, or in person at 250 Mills Civic Parkway, West Des Moines, Iowa
- To make a police report, a victim should contact the local police agency listed above either by phone or in-person. The victim should provide as much information as possible, including name, address, and when and what occurred, to the best of the victim's ability.

Information about Legal Protection Orders

In Iowa, victims may obtain several types of protective orders. The most common, No Contact Orders, are issued in cases in which a person has been arrested and charged with a crime. Another common order is a Protective Order. These orders are issued through the Civil Court and serve those persons who have been victims of domestic abuse. In some circumstances, victims may obtain both a Criminal No Contact Order and a Civil Protective Order.

The Iowa Legal Aid website (www.iowalegalaid.org) contains helpful information for individuals seeking these orders. The Polk County Attorney's office provides a useful video on protective orders on its [website](#). Individuals with questions about qualification for obtaining a protective order may call the Civil Court Advocate of the Family Violence Center at 515-243-6147.

Criminal No Contact Orders. A No Contact Order is issued in criminal court following an arrest for domestic abuse, assault, stalking, harassment, sexual abuse, or assault. A Criminal No Contact Order requires the defendant to have no contact with and to refrain from harassing the victim, persons residing with the victim, or members of the victim's family. Law enforcement officers can mark the box on the preliminary complaint to indicate that the victim wants a No Contact Order. These orders also can be requested by the Dallas County Attorney's Office. Only a judge can grant a No Contact Order. Victims in Dallas County can contact the Dallas County Clerk of Court at 515-993-5816.

Civil Protective Orders. Even if there are no criminal charges against an abuser, victims can ask the Court to issue a Civil Protective Order if the abuser and victim have a relationship such as a spouse, ex-spouse, current or prior co-habitation, having a child together, or being in an intimate relationship. Applications may be obtained from the Clerk of Court at 801 Court Street, Adel, IA 50003. The applicant will appear before a judge who will review the request. The judge may issue a Temporary Order which will last until a full court hearing is scheduled to consider whether a Permanent Order will be granted. A Permanent Order lasts up to one year and may be extended after that. For assistance in Dallas County, individuals may contact the Dallas County Clerk of Court at 515-993-5816 or 801 Court Street, Adel. Individuals with questions about the qualification for obtaining a Civil Protective Order may call the Civil Court Advocate of the Family Violence Center at 515-243-6147. When a protection order is granted, it is enforceable statewide. If you have obtained a protection order and need it to be enforced in your area, you should contact the local police department.

Any student or employee who has obtained an order of protection from a court in Iowa should provide a copy to DMU's Chief Compliance Officer/Title IX Coordinator so that it may be kept on

file with the institution and can be enforced on campus, if necessary. Upon learning of any orders, the institution will take all reasonable and legal action to implement the order.

The University does not issue legal orders of protection. However, as a matter of institutional policy, the University may impose a No Contact Directive between individuals in appropriate circumstances. The institution may also issue a No Trespass Directive. These institutional directives are not legal orders of protection and do not replace the types of legal protective orders described above.

University No Contact Directives. During an investigation, the University may issue no contact directives to parties involved in reported incidents of sexual misconduct as outlined in the Title IX Sexual Harassment and Discrimination and Harassment Prohibition policies. These University No Contact Directives may extend beyond investigation closures and resolution. Individuals should contact the Chief Compliance Officer/Title IX Coordinator to request a University No Contact Directive.

University No Trespass Directives. The University has the right to ask a person to leave University property if the person's conduct is disruptive to campus activities, threatening, or harassing of others. Under these circumstances, a University No Trespass Directive will be issued by the Director of Facilities Management or the Security Office. The West Des Moines Police department may be contacted if University No Trespass Directives are violated and violators may be subject to arrest.

The [Iowa State Victim Notification Service \(VINE\)](#), is a service through which victims of crime can use the telephone or internet to search for information regarding their offender's custody status and register to receive telephone or email notification when their offender's custody status changes. The VINE toll free number for Iowa is 1-888-742-8463.

Available Victim Services:

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

University Resources for Counseling and Medical Services

- Student Counseling Center: DMU Main Campus Clinic, 3200 Grand Ave, Des Moines, IA 50312, 7th Floor; 515-271-1392; counseling@dmu.edu
- Student Health: DMU Main Campus Clinic, 3200 Grand Ave, Des Moines, IA 50312, 5th Floor; 515-271-7883
- Aetna Student Assistance Program: 1-877-351-7889, 24/7 telephone support
- Employees Assistance Program: 800-327-4692

Student Financial Aid

Sometimes a victim of a crime may feel the need to take a leave of absence from school. If a student is considering a leave of absence based on the circumstances of a complaint, the student should understand there may be financial aid implications in taking such a leave. This should be discussed with financial aid personnel, and the Chief Compliance Officer/Title IX Coordinator can assist in facilitating this conversation if desired. Students may contact the

University's Financial Aid Office by phone at 515-271-1470 or by email at financial.aid@dmu.edu.

Local and State Community Resources for Advocacy, Counseling and Medical Services

- Dallas County Crisis Intervention and Advocacy Center: 515-993-4095
- Crisis Intervention Services: 1-800-270-1620
- Iowa Sexual Abuse Hotline: 1-800-284-7821
- Iowa Domestic Violence Hotline: 1-800-942-0333
- Iowa Domestic Violence Helpline: 1-800-770-1650
- Iowa Coalition Against Sexual Assault (legal assistance): 515-244-7424
- Iowa Legal Aid: <https://www.iowalegalaid.org/>
- UnityPoint - Methodist Hospital Des Moines: 515-241-6212
- UnityPoint – Methodist West Hospital: 515-343-1200
- Mercy One Des Moines Medical Center: 515-247-3121
- Mercy One West Des Moines Medical Center: 515-358-8000
- Broadlawns Medical Center: 515-282-2253
- Des Moines Police Department: 911 or 515-283-4811

National Resources

- National Domestic Violence Hotline: 1-800-799-7233
- National Sexual Assault Hotline: 1-800-656-4673
- National Sexual Violence Resource Center: <http://www.nsvrc.org/>
- Rape, Abuse and Incest National Network (RAINN): <https://www.rainn.org/>
- National Coalition Against Domestic Violence: <http://www.ncadv.org/>
- Immigration Advocates Network:
<https://www.immigrationadvocates.org/nonprofit/legaldirectory/search?state=IA>
- U.S. Citizenship and Immigration Services: <https://www.uscis.gov/>

Accommodations and Protective Measures:

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

Requests for accommodations, or supportive or protective measures should be made to the Chief Compliance Officer/Title IX Coordinator at 515-271-1526; the Chief Compliance Officer/Title IX Coordinator is responsible for deciding what, if any, accommodations or protective measures will be implemented.

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

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

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

Procedures for Disciplinary Action:

Allegations of domestic violence, dating violence, sexual assault or stalking will be processed through the institution's [Title IX Sexual Harassment](#) policy and the related complaint resolution procedures. Allegations of sexual harassment that do not meet the jurisdiction requirements for Title IX may be addressed using the complaint resolution procedures outlined in the [Discrimination and Harassment Prohibition](#) policy.

Complaints or notice of alleged policy violations, requests to initiate an investigation, or inquiries about or concerns regarding the policies may be made to the Chief Compliance Officer/Title IX Coordinator using the contact information below:

Erika Linden
Chief Compliance Officer and Title IX Coordinator
515-271-1526
DMU Main Campus
3200 Grand Ave, Des Moines, IA 50312
Academic Center Room 514
Erika.Linden@dmu.edu

Sexual harassment reports can also be submitted electronically using this [Sexual Harassment and Misconduct reporting form](#). Reports submitted using this online form will be routed to appropriate DMU officials for action during routine business hours; this form should not be used to report emergency situations.

The Chief Compliance Officer/Title IX Coordinator has designated other officials to receive reports of harassment and discrimination. Reports can also be made to the Chief Human Resources Officer and the Director of Student Affairs/Conduct Officer using the contact information provided below:

Marc Wachtfogel
Chief Human Resources Officer
515-271-1485
DMU Main Campus
3200 Grand Ave, Des Moines, IA 50312
DMU Clinic Room 137
Marc.Wachtfogel@dmu.edu

Alicia Lynch
Director of Student Affairs and Conduct Officer
515-271-1457
DMU Main Campus
3200 Grand Ave, Des Moines, IA 50312
Student Education Center Room 130
Alicia.Lynch@dmu.edu

Sexual Harassment Complaint Process

Initial Response Upon Receipt of Report of Sexual Harassment

For complaints subject to the [Title IX Sexual Harassment](#) policy, the Chief Compliance Officer/Title IX Coordinator will meet with the complainant to:

- Receive allegations of sexual harassment
- Explain option to have an advisor of their choice accompany them to any related meeting or proceeding
- Explain and offer supportive measures
- Explain options for notifying law enforcement
- Explain how to access counseling services
- Explain option to file a Formal Complaint or choose not to file a Formal Complaint
- Explain process for filing a Formal Complaint
- Provide and explain the Title IX Sexual Harassment policy
- Provide the Title IX: Rights and Options for Complainants and Respondents guide

Response Upon Receipt of Formal Complaint of Sexual Harassment

If the complainant files a Formal Complaint, the Chief Compliance Officer/Title IX Coordinator will initiate the Formal Grievance Process which entails: 1) investigation; 2) live hearing with cross-examination of parties and witnesses; 3) determination of responsibility based on the preponderance of evidence standard and sanction (if applicable); and 4) option for appeal. A notice will be provided to the parties of the investigation, including a description of the process to be utilized, the identities of the parties, the conduct at issue, and the dates and location of the alleged incident.

The Chief Compliance Officer/Title IX Coordinator will assign investigators who will generally work as a team. During the investigation, the complainant and respondent will each have an equal opportunity to describe the situation and present witnesses, including both fact and expert witnesses, and other supporting evidence. The investigator(s) will review the statements and evidence presented and may, depending on the circumstances, interview others with relevant knowledge, review documentary materials, and take any other appropriate action to gather and consider information relevant to the complaint. Prior to the conclusion of the investigation, both parties will be provided an opportunity to review the evidence gathered during the investigation that is directly related to the allegations raised in the formal complaint.

Upon completion of the investigation, both parties will be given a copy of an investigation report and a live hearing will be conducted to make a determination as to whether any allegations in the complaint were found to be substantiated by a preponderance of the evidence. The hearing officer assigned by the Chief Compliance Officer/Title IX Coordinator will prepare a written determination of responsibility, a statement of any disciplinary sanctions and

whether any remedies will be provided to the complainant, and a description of the procedures and permissible grounds for appeal. The Chief Compliance Officer/Title IX Coordinator will notify the parties of this determination in writing. The institution strives to complete investigations of this nature within ninety (90) calendar days.

Both parties have an equal opportunity to appeal the determination by filing a written appeal with the Chief Compliance Officer/Title IX Coordinator within five (5) business days of being notified of the outcome of the investigation. The Chief Compliance Officer/Title IX Coordinator will appoint an appeal decisionmaker to consider the appeal and render a decision, typically within thirty (30) days of receipt of request.

Informal Resolution

Parties may agree to pursue an informal resolution in certain cases (not allowed in cases where it is alleged that an employee sexually harassed a student) at any time after a Formal Complaint is filed and before a determination of responsibility is made.

Complaints that Do Not Meet Title IX Policy Jurisdiction Requirements

For complaints that do not meet jurisdictional requirements in the Title IX policy, the Chief Compliance Officer/Title IX Coordinator will determine whether to apply another complaint resolution process to the allegations such as that outlined in the [Discrimination and Harassment Prohibition](#) policy. While the alternate process will involve unbiased investigation and equitable treatment of the parties, it may not include a live hearing or an appeals process. Both parties will be notified in writing about the investigation and be given the opportunity to present evidence and to see and respond to the evidence collected. Both parties are entitled to have an advisor of their choice accompany them to any related meetings or proceeding to provide counsel and support, although these advisors will not be permitted to speak or advocate for the parties.

In cases addressed through the Discrimination and Harassment Prohibition policy, the investigator will prepare and submit a final report, including a determination of responsibility made based on a preponderance of the evidence standard, for review by the Chief Compliance Officer/Title IX Coordinator. If there is a finding of responsibility, the investigator will issue a sanction in collaboration with the applicable college dean (for students) or HR (for employees). Once a determination is made, the Chief Compliance Officer/Title IX Coordinator will provide written notice of the investigation outcome to the parties concurrently, typically within five (5) business days following the determination.

DMU will make a good faith effort to complete the resolution process within a 60 to 90 business day time period, including appeal, which can be extended as necessary for appropriate cause by the Title IX Coordinator, who will provide notice and rationale for extensions or delays.

Rights of the Parties in an Institutional Proceeding:

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

1. A prompt, fair and impartial process from the initial investigation to the final result.
 - o A prompt, fair and impartial process is one that is:

- Completed within reasonably prompt timeframes designated by the institution’s policy, including a process that allows for the extension of timeframes for good cause, with written notice to the accuser and the accused of the delay and the reason for the delay.
 - Conducted in a manner that:
 - Is consistent with the institution’s policies and transparent to the accuser and the accused.
 - Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
 - Provides timely access to the accuser, the accused and appropriate officials to any information that will be used during the informal and formal disciplinary meetings and hearings.
 - Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.
- 2. Proceedings conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
 - Such training addresses topics such as the definition of sexual harassment; the scope of the University's education programs and activities; how to conduct investigations, hearings, and appeals and informal resolutions (as applicable); relevant evidence and how it should be used during a proceeding; proper techniques for questioning witnesses; basic procedural rules for conducting proceedings; review of DMU's policies and procedures, and avoiding actual or perceived conflicts of interest and bias. University officials have attended training programs offered by the Association of Title IX Administrators, the Association of Student Conduct Administrators, the Clery Center, the National Center for Campus Public Safety, and the College and University Professional Association for Human Resources, among others.
- 3. The same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. The institution may not limit the choice of advisor but may establish limits regarding the extent to which that advisor may participate in the proceeding, as long as those limits apply equally to both parties.
- 4. Have the outcome determined using the preponderance of the evidence standard.
- 5. Simultaneous, written notification of the results of the proceeding, any procedures for either party to appeal the result, any change to the result, and when the result becomes final. For this purpose, “result” means “any initial, interim and final decision by an official or entity authorized to resolve disciplinary matters” and must include the rationale for reaching the result and any sanctions imposed.

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

Following a final determination in the institution’s disciplinary proceeding that domestic violence, dating violence, sexual assault, or stalking has been committed, the institution may impose a sanction depending on any mitigating and aggravating circumstances involved. Sanctions for employees and students can include: verbal or written warnings, loss of privileges, no-contact directives, remedial training, restitution, probation, suspension, transcript or Dean's

letter notation; or termination of employment or dismissal from the University. A period of suspension for students may be for a partial or entire academic year and may include conditions for return, such as meeting with a Dean or other DMU official. An employee may be suspended for any length of time determined appropriate by the Chief Human Resources Officer and Chief Compliance Officer/Title IX Coordinator.

In addition, the University can make available to the victim a range of protective or interim measures. Supportive measures may include ongoing steps to protect parties from retaliation or harm; safety planning; assistance in accessing advocacy services, academic support, financial aid, counseling, disability services, health or mental health services, and legal assistance; issuing a no contact directive; helping arrange a change of living or working arrangements or course schedules; or adjustments for assignments or tests.

Publicly Available Recordkeeping:

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

Victims to Receive Written Notification of Rights:

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

Sex Offender Registration Program:

The Campus Sex Crimes Prevention Act of 2000 requires institutions of higher education to advise members of the campus community where they can obtain information provided by the state concerning registered sex offenders. It also requires sex offenders to notify the state of each institution of higher education in the state at which they are employed or enrolled or carrying on a vocation. The state is then required to notify the University of any such information it receives. Anyone interested in determining whether such persons are on this campus may do so by contacting the Campus Services Manager at 515-271-1340. State registry of sex offender information may be accessed at the following link:

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

Timely Warnings and Emergency Response

Timely Warnings

In the event of criminal activity occurring either on campus or off campus that in the judgment of the Campus Services Manager and Administrator on Duty, in consultation with the PT at RecPlex Site Supervisor if applicable, constitutes a serious or continuing threat to members of the campus community, a campus-wide “timely warning” will be issued. Examples of such situations may include a sexual assault or a series of motor vehicle thefts in the area that merit a warning because they present a continuing threat to the campus community. Warnings will be communicated to students and employees via one or more of the methods discussed later in this section. Updates to the warnings will be provided as appropriate.

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

- Campus Services Manager, 515-271-1340
- Director of Facilities Management, 515-271-1472
- Chief Compliance Officer and Title IX Coordinator, 515-271-1526
- Senior Vice President and Chief Financial Officer, 515-271-1475
- Physical Therapy at RecPlex Site Supervisor, 515-271-7802
- Vice President of Academic and Student Affairs, 515-271-1462
- Main Campus Security Office, 515-271-1471

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

Emergency Response

The University has an emergency management plan designed to ensure a timely and effective response in the event of a significant emergency or dangerous situation occurring on campus involving an immediate threat to the health or safety of members of the campus community. Such situations include, but are not limited to: severe weather such as tornadoes or high winds, bomb threats, chemical spills or gas leaks, disease outbreaks, fire or explosions, violent or armed intruders, terror incidents, civil unrest, etc. The University has communicated with local police requesting their cooperation in informing the University about situations reported to them that may warrant an emergency response.

The emergency response plan may be initiated by an Administrator on Duty (AOD) or the Campus Services Manager in the event of a serious emergency on campus. DMU's AODs are the President, Senior Vice President and Chief Financial Officer, Chief Human Resources Officer, Chief Compliance Officer/Title IX Coordinator, and Vice President of Academic and Student Affairs. An Administrator on Duty will serve as the Incident Commander and will assign others to various emergency response roles. The main campus Security Office will serve as the command center for an emergency response.

Students, staff, and visitors are encouraged to notify the Main Campus Security Office at 515-271-1471 of any emergency or potentially dangerous situation.

The Campus Services Manager, in consultation with an Administrator on Duty and other appropriate personnel, will access available sources of information from campus administrative staff and local authorities, including as necessary the West Des Moines Police Department, to confirm the existence of the serious emergency and will be responsible for initiating the institution's response and marshaling the appropriate local emergency response authorities for assistance. Depending on the nature of the emergency, other University departments may be involved in the confirmation process.

Once the emergency is confirmed and based on its nature, the Campus Services Manager will consult with the Administrator on Duty to determine the appropriate segment or segments of the University community to be notified. These individuals may confer with other appropriate University officials or with when making the determination about who should receive notifications. The decision to expand notifications may be made following ongoing assessment of the situation as it evolves.

The Campus Service Manager, in consultation with an Administrator on Duty and other appropriate personnel, will determine who should be notified, and will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

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

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

At the direction of an Administrator on Duty, the University’s Campus Services Manager will notify local law enforcement of the emergency if they are not already aware of it. If the Administrator on Duty determines that notification to audiences other than students and employees is necessary and appropriate, DMU will disseminate emergency information by posting pertinent information on the University web site (www.dmu.edu) and by contacting local broadcast media outlets so that the larger community outside the campus will be aware of the emergency.

Methods for Issuing Timely Warnings and Emergency Notifications

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

Method	Sign Up Instructions
Omnilert email to all Students and Employees	Employees and Students are automatically enrolled to receive Omnilert email alerts
Omnilert text messages	Students and Employees can go to the Facilities Management page on Pulse to sign up to receive Omnilert text messages Students who supply a mobile phone number at registration are automatically enrolled to receive emergency text notifications through Omnilert
Website postings	n/a
Intercom/public address system	n/a
Intranet (Pulse) announcements	n/a

Testing & Documentation

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

The Des Moines University Clinic - Physical Therapy at RecPlex will participate in emergency response and evacuation drills as conducted by the West Des Moines RecPlex facility. The Campus Service Manager maintains a record of these tests and training exercises at the PT at RecPlex Clinic, including a description of them, the dates and times they were held and an indication of whether they were announced or unannounced. In connection with at least one such test, the University will distribute to its students and employees information to remind them of the University's emergency response and evacuation procedures.

Crime Statistics

Because the PT at RecPlex Clinic facility did not open as a student training site until January 1, 2022, there are no crime statistics to include here at this time.