

Your Options and Rights as a Victim of Sexual Misconduct

This document contains important information to assist students and employees at Des Moines University (DMU) who have been a victim of sexual harassment, sexual assault, sexual violence, or other sex- or gender-based misconduct, including stalking, and domestic or dating violence, collectively referenced in this document and DMU policies as “sexual misconduct.” Although not intended to be a comprehensive explanation of your options and rights, this information may provide useful guidance for you.

Sexual harassment, sexual violence, and other forms of sex- or gender-based harassment occurring in the academic setting violates a federal law called Title IX of the Higher Education Amendments of 1972, which prohibits discrimination on the basis of sex in educational programs or activities. The Clery Act, as amended by the Violence Against Women Act, also provides protections for victims of intimate partner violence and stalking. Title IX and the Clery Act set out rights

for victims and trigger certain responsibilities for DMU in responding to the misconduct.

DMU is committed to maintaining a fair and respectful learning and working environment. DMU will not tolerate acts of sexual misconduct or related retaliation against or by any employee or student. When sexual misconduct has occurred and is brought to the attention of the Title IX Coordinator, DMU will take steps to end the conduct, prevent its recurrence, and address its effects.

CONTINUED

These individuals can help explain your rights and DMU's responsibilities:

TITLE IX COORDINATOR

Erika Linden

Chief Compliance Officer
515-271-1526
Erika.Linden@dmu.edu
Academic Center, 5th Floor

TITLE IX INVESTIGATORS

Becky Lade

Chief Human Resources Officer
515-271-1485
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DMU Clinic, 1st Floor

Kimberly Brown, PhD

Vice President, Enrollment
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515-271-1462
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Student Education Center, 1st Floor

Alicia Lynch

Director of Student Affairs &
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515-271-1457
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Manager of Student Life & Engagement
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The **COMPLAINANT** is the person making the allegations.

The **RESPONDENT** is the person against whom the allegations are made.

RESPONSIBLE EMPLOYEES

are required to immediately report any complaints they receive of sexual misconduct, any allegations they learn of that may be potential misconduct, or conduct they observe that may constitute a violation of our policies to the Title IX Coordinator.

PRIVILEGED EMPLOYEES

are those who can receive complaints confidentially and are not obliged to report to the Title IX Coordinator.

For more detailed information, see DMU's policies available on PolicyStat: Discrimination and Harassment Prohibition, Sexual Misconduct, and Sexual Misconduct Reporting and Confidentiality.

Erika Linden, Chief Compliance Officer, is DMU's designated Title IX Coordinator. Becky Lade, Kimberly Brown, Alicia Lynch and Chris Mohr are Title IX Investigators. These individuals can receive reports of sexual misconduct and help explain your rights and DMU's responsibilities in these situations.

Reports also can be made through an on-line form available on Pulse.

Reporting and Confidentiality

Within DMU's processes, the person making the allegations is referred to as the *Complainant*. The person against whom the allegations are made is referred to as the *Respondent*.

A Complainant who wishes to report sexual misconduct may report directly to the Title IX Coordinator or Title IX Investigators listed above. A Complainant also has the right to report directly to law enforcement, but is not required to do so; DMU personnel will assist Complainants in making reports to law enforcement if the Complainant requests. A Complainant can choose to pursue both the DMU resolution process and the criminal process simultaneously. DMU's process is completely separate from law enforcement and the criminal courts and will proceed regardless of any action taken by law enforcement, although DMU may delay its investigation for a short period of time at the request of law enforcement. Individuals may also contact the Office of Civil Rights of the U.S. Department of Education to report any concerns about DMU's handling of a complaint.

RESPONSIBLE EMPLOYEES

Certain employees, referred to in our policies as *Responsible Employees*, are required to immediately report any complaints they receive of sexual misconduct, any allegations they learn of that may be potential misconduct, or conduct they observe that may constitute a violation of our policies to the Title IX Coordinator. This includes DMU faculty and faculty advisors (excluding adjunct faculty and guest lecturers). Other Responsible Employees at DMU include:

- Administrators and supervisors,
- Security Office staff;
- Enrollment Management & Student Affairs staff;
- Library and CTL staff;
- Financial Aid and Registrar's Office staff;
- Human Resources;
- OMM Fellows; and
- Employees with job-related, routine interactions with students, including but not limited to, Clinical Affairs, Academic Assistants, SIM, SPAL, and Wellness Center.

PRIVILEGED EMPLOYEES

In addition, there are individuals on campus designated as *Privileged Employees* who can receive complaints confidentially and are not obliged to report to the Title IX Coordinator. These are licensed individuals with a legal, professional privilege of confidentiality who are expressly employed by DMU to provide student mental health or healthcare services. Student Counseling Center counselors and Student Health providers are privileged employees and are not required to report any detailed information about an incident without the victim's permission. They will, however, provide anonymized data for recordkeeping and Clery crime reporting.

Both Responsible and Privileged Employees will assist a victim in making a complaint to law enforcement, if desired, and with referrals to outside agencies that can provide further confidential counseling and support services. If you speak to a Privileged Employee and request confidentiality, you must be aware that DMU will be unable to conduct an investigation into the incident or pursue disciplinary action against an alleged perpetrator.

DMU's Duty to Investigate

Awareness of sexual misconduct may trigger an obligation for DMU to proceed with an investigation in order to ensure campus safety, regardless of a Complainant's wishes. Complainants are not required to participate if they choose not to; however, this may limit the University's ability to respond effectively to the incident. If a Complainant asks that his/her name or other identifying information not be used in an investigation, DMU will consider the request in light of its responsibility to provide a

safe and nondiscriminatory environment for all. In most cases, information including the name of the Complainant will be shared with the Respondent and may be shared with witnesses and DMU officials who have a legitimate need to know. Beyond that, DMU will take steps to protect the privacy of all individuals involved.

Investigation and Resolution Process

DURING THE INVESTIGATION

The Title IX Coordinator will review all allegations and determine an appropriate course of action, which could entail a formal investigation or, in less serious cases, an informal resolution if both parties agree.

All investigations are conducted by individuals who receive annual training on the issues related to sexual misconduct, sexual assault, intimate partner violence, and stalking and how to conduct thorough and impartial investigations in a manner that protects the safety of victims and promotes accountability.

All cases will be decided based on a *preponderance of the evidence standard*, which means whether it is more likely than not that the misconduct occurred.

In the interest of fairness to both parties, the Complainant and Respondent will have equal rights throughout the investigation. Both will be notified in writing about the investigation and be given the opportunity to present evidence and to see and respond to the evidence. Both parties are entitled to have an advisor of their choice accompany them to any related meetings or proceedings to provide counsel and support, although these advisors will not be permitted to speak or advocate for the parties.

EVIDENCE

Individuals are encouraged to preserve and provide to investigators any evidence, including electronic records, supporting the allegations of sexual misconduct. In addition to collecting any available physical evidence, investigators will interview the involved parties and other witnesses who may have information relevant to the allegations.

RESOLUTION

The Complainant and Respondent will be advised as to the status of the case and both

parties will be informed in writing of the outcome of the University's investigation, any applicable appeal procedures, and how and when the results become final. Sexual misconduct cases can take several months to be resolved, depending on the complexity of the case and number of individuals involved.

INTERIM MEASURES AND ACCOMMODATIONS

DMU will take interim steps to protect and support a Complainant while a case is pending. Depending on the case and the Complainant's wishes, these actions may include class or clinical rotation reassignments, changes in academic or working situations, implementing protective or restraining orders, ordering no contact between the parties, excluding parties from parts of campus, or providing an escort while on campus. Victims may request these or other accommodations and protective measures from the Title IX Coordinator. DMU will make such accommodations if they are reasonably available, regardless of whether the victim chooses to report the situation to campus security or local law enforcement. If the Complainant has a restraining order or other type of protective order from a court against the Respondent and presents the order to the Title IX Coordinator, DMU will take all reasonable steps to honor the order. Some of these actions may also be remedies in those cases resulting in a finding of a policy violation.

POSSIBLE SANCTIONS

Potential sanctions for those found responsible for sexual misconduct violations include, but are not limited to, remedial education, verbal and written warnings, loss of privileges, no contact directives, restitution, probation, suspension, or dismissal from DMU or termination of employment.

Protection from Retaliation

DMU prohibits retaliation against any individual who reports an incident of alleged sexual misconduct and against anyone who assists or participates in an investigation relating to these allegations. All involved parties are informed of this provision, and any retaliation should be immediately reported to the Title IX Coordinator. Retaliation in any form, including social media or by third parties, is prohibited.

EXAMPLES OF PROHIBITED CONDUCT

The following are examples of conduct that may violate DMU policy:

- An instructor suggests a student can receive a higher grade if the student submits to sexual advances
- A supervisor implicitly or explicitly threatens termination if a subordinate refuses the supervisor's sexual advances
- A preceptor, student or employee makes repeated objectively offensive remarks about the LGBTQ community
- A student repeatedly follows an instructor around campus and sends sexually explicit messages to the instructor's voicemail or email
- A preceptor, student or employee touches another person in an unwelcome, sexual manner without consent
- A preceptor, student or employee repeatedly makes unwelcome comments about another's body
- A student or employee records another engaged in sexual activity without consent
- A student or employee exposes their sexual organs to another without consent and in an unwelcome manner
- A student is sexually assaulted on a date or by an intimate partner

Medical Care

If you have been sexually assaulted, we encourage you to seek immediate medical treatment at a local hospital emergency room, even if there are no obvious physical injuries. A physical exam can assure that any injuries will be identified and treated and risks for sexually transmitted diseases or pregnancy will be discussed. In Iowa, this exam is paid for by the State. An exam does not obligate you to any kind of formal investigation; however, it allows evidence to be obtained and preserved in the event a criminal investigation is authorized at a later time. To best preserve evidence, assault victims should not shower, brush their teeth, urinate, eat, drink or change clothes before the exam.

Confidential Support and Counseling Services

As you consider your options, we encourage you to contact confidential services that offer counseling, advocacy and other services in a supportive setting. These individuals can also help you file a report with the University or local police, or obtain medical care, if desired. These resources are available to all students, regardless of whether the student is on campus. Many can make referrals to a local resource for students who are located outside of the state of Iowa.

ON-CAMPUS RESOURCES

Student Counseling Center
515-271-1392 or email
counseling@dmu.edu

Student Health
515-271-7883

Financial Aid
515-271-1470

Aetna Student Assistance Program (SAP)
1-877-351-7889
(use school ID DMUSAP)

Employee Assistance Program
515-263-4004 or
1-800-732-4490

OFF-CAMPUS RESOURCES

Polk County Crisis & Advocacy
515-286-3600 (*general number*)
515-286-3535 (*rape crisis number*)

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

OTHER HELPFUL RESOURCES

Des Moines Police Department
911 – for emergency
515-283-4811 – non-emergency

LOCAL HOSPITALS
UnityPoint – Des Moines
515-241-6212

Mercy Medical Center
515-247-3121

Broadlawns Medical Crisis Team
515-282-5752

National Suicide Prevention Hotline
800-273-8255

Our Commitment to You

We will listen with compassion.

We will take your concerns seriously.

We will provide information about campus and community resources.

We will assist with referrals to law enforcement, if desired.

We will investigate, and take reasonable actions designed to stop the misconduct, prevent its recurrence and remedy the effects.

