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CAMPUS PUBLIC SAFETY

## 2023 Annual Security & Annual Fire Safety Reports

The Drake University Annual Security and Annual Fire Safety Reports are posted online for review by employees, prospective employees, students, prospective students, and parents at [drake.edu/publicsafety/annualreport](https://drake.edu/publicsafety/annualreport). Hard copies of the reports may be obtained by visiting the Drake University Department of Public Safety, located at 1214 31st Street on the Drake campus, or through the mail by calling 515-271-2222.

Drake University publishes its Annual Security Report in accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. § 1092(f), which requires Drake to publish an annual security report containing safety and security related policy statements and crime statistics. Drake publishes its Annual Fire Safety Report pursuant to the provision of the Higher Education Opportunity Act pertaining to campus fire safety information and statistics, 20 U.S.C. § 1092(i), which requires Drake to publish an annual fire safety report containing policy statements as well as fire statistics associated with each on-campus student housing facility, including number of fires, causes, and any injuries, deaths, and property damage.

For specific questions regarding these annual reports, please call the Drake University Department of Public Safety at 515-271-2222.

*Nondiscrimination Statement: The principles of equal access and equal opportunity require that all interactions within the University be free from invidious discrimination. Drake University therefore prohibits discrimination based upon race, color, national origin, creed, religion, age, disability, sex, gender identity, sexual orientation, genetic information, or veteran status.*

# Annual Security Report/Statistics

## Overview

The purpose of the Clery Act is to provide the campus community with timely, accurate, and complete information about crime and the safety of campus so that they can make informed decisions to keep themselves safe. Under the Clery Act, Drake must disclose “statistics concerning the occurrence of certain criminal offenses reported to local law enforcement agencies or any official of the institution who is defined as a ‘Campus Security Authority.’”

As defined by the Clery Act, a “Campus Security Authority” is, “An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.” Examples of Campus Security Authorities at Drake include but are not limited to: The Drake Public Safety Department, the Chief Student Affairs Officer, members of the Dean of Students Office, the Athletic Director and assistant athletic directors and coaches, residence hall directors, and advisors of student organizations.

Campus “Professional Counselors,” when acting as such, are not considered to be Campus Security Authorities, and are not required to report crimes for inclusion into the annual disclosure of crime statistics. Drake’s Professional Counselors are those individuals employed by the University’s health center whose official responsibilities include providing psychological counseling to students at Drake University and who are functioning within the scope of their license or certification. As a matter of policy, Drake’s Professional Counselors are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics.

The criminal offenses for which Drake is required to disclose statistics are: murder/non-negligent manslaughter, negligent manslaughter, sex offenses (forcible and non-forcible), robbery, aggravated assault, burglary, motor vehicle theft, arson, liquor law violations, drug law violations, and weapons violations (carrying, possessing etc.). Drake is also required to report statistics for bias-related (hate) crimes for the following offenses: murder/non-negligent manslaughter, sex offenses (forcible and non-forcible), robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, vandalism, intimidation, simple assault, and damage/destruction/vandalism of property. As required by the Violence Against Women Act (VAWA), Drake also discloses statistics of incidents of domestic violence, dating violence, and stalking.

## Reporting Timeframe

This report, “2023 Annual Security and Annual Fire Safety Reports” follows the reporting timeframe as required by federal law. The report itself is published and made available in the year 2023, but retroactively publishes the required information for the calendar year 2022 (January 1, 2022 through December 31, 2022).

## Campus Geography

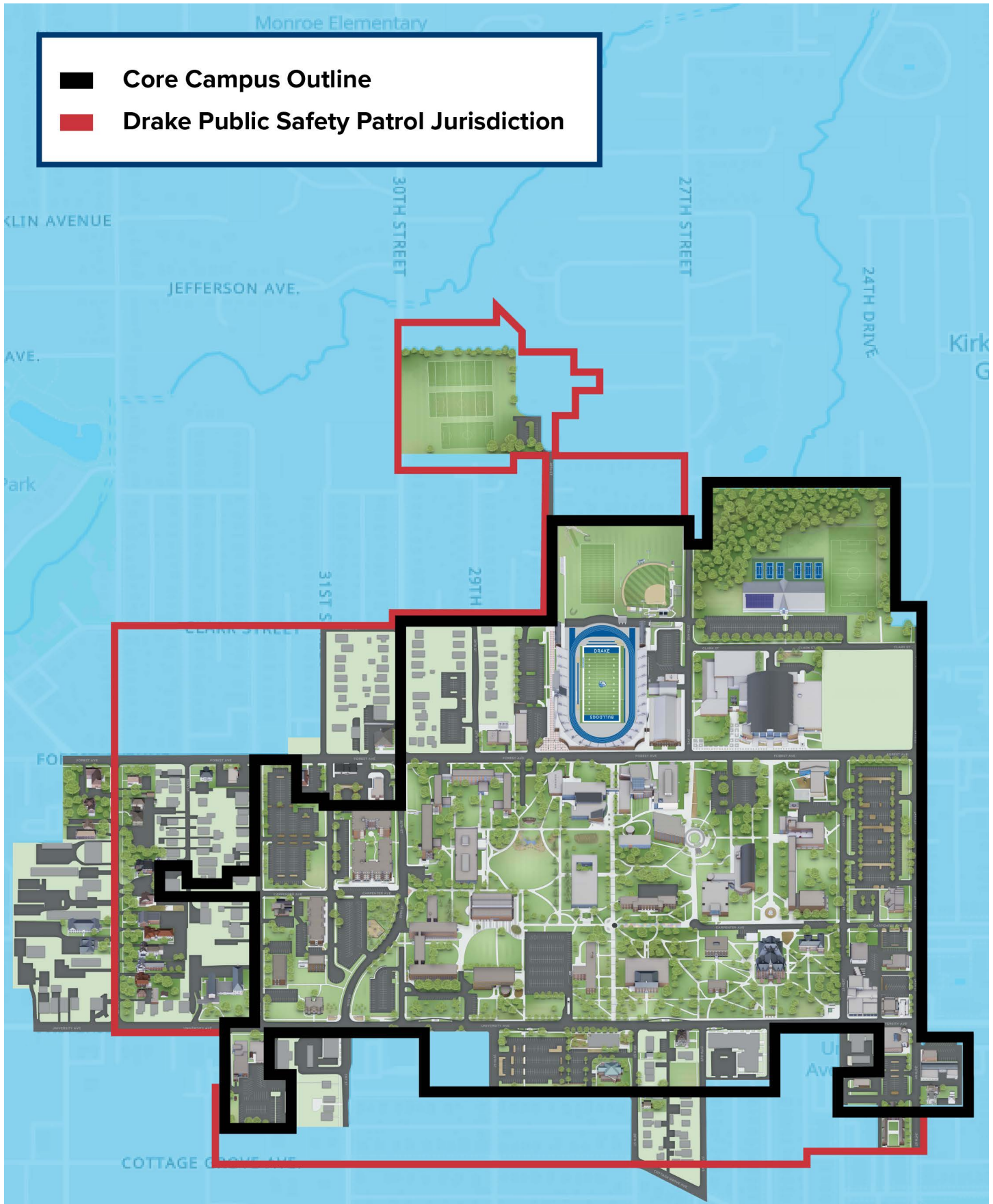
The Clery Act requires every institution to define its boundaries as best as possible. Drake is required to disclose statistics for offenses that occur on campus, in or on a non-campus building or property owned or controlled by Drake, and public property within or immediately adjacent to the campus. Statistics are sorted by these categories, with the “On Campus” location designation being separated and reported into two parts: On Campus, and On Campus within Student Housing.

The Drake University campus map appears on the next page and includes the University’s core campus and its patrol jurisdiction, both defined as follows:

**Core Campus Outline:** Except for city public property, generally property within this border is Drake University owned and/or controlled. It represents the core of campus and encompasses student housing.

**Patrol Jurisdiction:** Clery requirements state a university security or public safety department (even non-sworn departments), must define their jurisdictional boundaries. The jurisdictional boundary below represents the most patrolled areas, but patrol is not limited to within the designated boundary.

# Drake University Campus Map; Clery Geography Outlined



# Drake University Department of Public Safety

## Mission Statement

The mission of Drake University Public Safety is to provide a safe and secure environment for students, faculty, staff, and campus visitors.

Drake Public Safety strives to achieve this mission through a community-friendly approach that enhances safety through the visibility of public safety personnel, preventive patrols, 24-hour accessibility, positive conflict resolution, and crime-prevention and awareness programs. Drake Public Safety collaborates with local law enforcement and community organizations in fulfilling its mission. Drake Public Safety officers have the authority to ask persons for identification and to determine whether individuals have lawful business at the University. In addition, they have authority to issue parking tickets for parking citations on University property. Public Safety officers also have those arrest powers under Iowa Code chapter 804. In addition to their role in keeping the campus community safe, Drake Public Safety officers are also trained to assist in medical emergencies, first response, narcotic overdoses (Narcan) and have access to portable defibrillators when necessary.

## Background on the Department

Drake Public Safety is one of the largest private campus security forces in the state of Iowa, consisting of 15 full-time officers who patrol the campus around the clock and throughout the year. Two full-time administrators; one full-time dispatcher; three part-time bus drivers; and four part-time, on-call officers comprise the rest of the department personnel. A computerized communications/dispatch post is staffed 24 hours a day, 365 days a year to coordinate security activities.

Drake Public Safety officers undergo regular, mandatory training under the direction of certified law enforcement professionals, including an initial training period that includes areas ranging from conflict resolution and use of force to diversity and CPR.

Our public safety force conducts routine patrols to enhance the safety of our campus by deterring crime. Public Safety officers work closely with the Des Moines Police Department in preventing crime in our surrounding neighborhood, and when necessary, making arrests and investigating crimes.

## CCTV Operation

Drake University uses dozens of CCTV smart cameras, monitored and recorded 24/7, to enhance safety in student parking lots and many other exterior locations. Still cameras have also been installed to monitor access and activity in common areas (lobbies and exit doors) of residence halls.

## Local Police Department

### The Des Moines Police Department

As the largest and most urban law enforcement agency in the state of Iowa, the Des Moines Police Department (DMPD) has a strong commitment to community policing. They encourage Des Moines residents to help them address issues occurring in their neighborhoods and to participate in the resolution of their concerns. DMPD's Neighborhood Based Service Delivery Program has been

expanded, assigning detectives and Traffic Unit officers to neighborhoods to provide citizens with greater access to department resources.

The department consists of an authorized strength of 372 sworn officers and 104 civilian support personnel. The department is organized into three divisions: the Administrative Services Division, Operations Division, and the Investigations Division. All divisions are commanded by majors who report directly to the chief of police.

The Des Moines Police Department is dedicated to protecting the citizens of this community by impartially enforcing the laws of the state and the city, as well as providing emergency security during times of natural disasters.

Although there is no written memorandum of understanding between the Des Moines Police Department and the Public Safety Department, we maintain a very close working relationship. The Des Moines Police have assigned a Drake Neighborhood Sergeant to keep a close eye on the campus area and keep Public Safety informed on anything occurring in the surrounding area. Both the Des Moines Police and Drake Public Safety departments have officers attend the Drake Neighborhood Community meetings to stay current on events and help as needed.

## Monitoring and Recording Local Criminal Activity

Drake Public Safety cooperates with the Des Moines Police Department in monitoring and recording any criminal activities at off-campus student organizations, such as fraternities and sororities, or by members of such organizations. Drake Public Safety has a DMPD scanner in the dispatch center so real-time monitoring of any important events and/or incidents near or within our Drake community can be handled appropriately.

## Reporting Procedures

### Incident Reporting

Drake University encourages all members of the Drake Community and guests to accurately and promptly report all crimes, emergencies, and incidents relating to public safety to the Drake University Department of Public Safety. This publication focuses on Drake Public Safety because it patrols most of the campus and is always present. However, Drake Public Safety can assist the reporting party in determining the best local police agency for reporting any incident.

To report a crime or an emergency on Drake's campus, call Drake Public Safety at 515-271-2222; or call the Des Moines Police Department at 911. To report a non-emergency public safety matter, call Drake Public Safety at 515-271-2222.

Crimes should be reported to Drake Public Safety for the purpose of assessing the crime, distributing a potential timely warning notice and for disclosure in the annual crime statistics and security report.

## Response to Reports

Dispatchers are available at Drake Public Safety 24 hours a day to answer calls. In response to a call, Drake Public Safety will take the required action, dispatching an officer or asking the victim to report to the Des Moines Police Department to file a case report. Incident reports involving students may be forwarded to the Dean of Students Office for review and potential disciplinary action. Drake Public Safety will investigate a case report as it is deemed necessary. If assistance is required from the Des Moines Police and/or Fire Departments, Drake Public Safety will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, including Drake Public Safety, will offer the victim a wide variety of services.

Drake University encourages accurate and prompt reporting of all crimes to the Public Safety Department and appropriate police agencies, when the victim of a crime elects to, or is unable to, make such a report.

## Emergency Phones / “Blue Light” Phones

Over 50 emergency security phones that connect directly to Drake Public Safety are located inside buildings and in heavily traveled outdoor locations across campus. Drake Community members are encouraged to call Drake Public Safety from one of these phones whenever anything of concern is observed. All these emergency phones dial Public Safety directly by either picking up the red phone receiver while inside a building or pushing the red talk button on any exterior blue pole emergency phone.

## Voluntary Confidential Reporting

Drake Public Safety encourages anyone who is the victim or witness to any crime to promptly report the incident to the Public Safety Department. But if any Drake Community member is the victim of a crime and does not want to pursue action within the University system or the criminal justice system, a Drake Community member may still want to consider making a confidential report. The purpose of a confidential report is to comply with wishes to keep the matter confidential, while taking steps to ensure the future safety of victim/survivor and the Drake Community. With such information, the University can keep an accurate record of the number of incidents involving students, employees, and visitors; determine where there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for Drake University.

A confidential reporting tool is also available at:

<https://secure.ethicspoint.com/domain/media/en/gui/24191/index.html>

Professional Counselors are also available to students. Counselors are employees of the University’s health center whose official responsibilities include providing psychological counseling to students at Drake University, and who function within the scope of his or her license and/or certification. Crimes may be confidentially discussed with professional counselors, but the counselors are encouraged when they deem appropriate, to inform persons being counseled of the procedures to report crimes to Drake Public Safety on a confidential basis using the reporting tool above.

# Emergency Procedures

Drake University is prepared to respond to emergencies 24 hours per day, 7 days per week. If a major emergency such as a tornado, hazardous materials accident, or shooting occurs, the Incident Command Team will direct the University's emergency response. Specially trained response and support teams will be activated. At all times, the University's highest priority is the safety and well-being of the faculty, staff, students, and visitors.

Drake Community members' responsibilities are to be familiar with the information in this document, to be sure that contact information is up to date in the Bulldog Alert database, and to know the escape routes for locations visited frequently. Escape routes are posted in building lobbies. Drake Community members may also want to purchase or assemble a personal disaster preparedness kit.

Drake tests the emergency response and evacuation procedures on at least an annual basis, emergency response and evacuation procedures are tested for fire safety as well as a Tornado drill be conducted. Drake publicizes its emergency response and evacuation procedures in conjunction with the annual test. Documentation for the tests are maintained by DPS in our report writing system.

## Fire and Evacuation Procedures

### Fire

1. Calmly alert people in the area of the fire and activate the nearest fire alarm.
2. Do not attempt to retrieve items in another area of the building.
3. Evacuate the building using the stairs. Do not use elevators!
4. Close as many doors behind you as possible.
5. Touch doors with the back of your hand to see if they are hot. Do not open hot doors.
6. Call the Fire Department by dialing 911

*If trapped in a building:*

1. Close all windows and doors.
2. Wet and place cloth material around and under doors to prevent smoke from entering.
3. Call 911 for help and tell them your location.

### Evacuation

*To be prepared, Drake Community members should know the nearest exits and the evacuation site for each building visited frequently.*

1. When you hear a bullhorn or fire alarm, immediately stop what you are doing and exit the building.
2. While leaving, take note of any hazards and any remaining occupants.
3. If requested, assist anyone who appears to need direction or assistance.
4. Take with you ONLY essential personal items (wallet, keys, etc.).
5. Shut all doors behind you but do not lock them. Closed doors can slow the spread of fire, smoke, and water.



# Campus Emergency Communication

All emergency communication, except for Bulldog Alerts and Timely Warning Notices, affecting the Drake campus community will originate from Drake's Incident Command Team. The Incident Command Team is a group of university professional staff and faculty called together in the event of a campus, local, regional, or national emergency that impacts the campus, to discuss the incident and the University's response. Members of the Incident Command Team will always include but are not limited to: a member from Public Safety, the Facilities Department, the Department of Technology Services, University Communications, and the Provost's Office, and may include others as needed.

Once a significant emergency or dangerous situation is confirmed by the Incident Command Team, the Team will determine the appropriate segment or segments of the campus community to receive emergency communication. Emergency communication is then distributed to the Drake Community by Public Safety through various methods including, but not limited to local media outlets, signage, or other methods available, and Timely Warning Notices and/or Emergency Notifications; both of which have corresponding procedures described below.

## Emergency Notification (Bulldog Alert)

Drake will immediately notify the campus community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus. Information that is reported to Drake Public Safety is reviewed to determine if a reported crime poses a serious ongoing threat to members of the University community. One way Drake may communicate such emergencies and threats is through the Bulldog Alert mass notification service.

Bulldog Alert is a service that enables Drake University to notify the University Community quickly about a major emergency on campus and to provide people with information and instructions. Using Bulldog Alert, Drake can send important messages within minutes via phone, text, email, and social media. These messages may be sent as follow-ups in emergencies to keep our community informed and up to date.

Students, faculty, and staff must ensure their information is up to date in the database. To add a cell phone number or other number to the system, log in to myDRAKE at drake.edu, navigate to the Campus Info tab, and click on Bulldog Alert Settings. Contact information included in the Bulldog Alert system will be used ONLY for campus emergency notifications and will NOT be made available to any other service.

Drake Public Safety will, without delay, and considering 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.

## Timely Warning Notices

Pursuant to the Clery Act, in the event a situation arises either on or off campus, that, in the judgment of the Executive Director of Public Safety and University Operations, constitutes an ongoing or continuing threat, a campus wide “Timely Warning” will be issued. The warning will be issued through the University’s e-mail system to students, faculty, and staff.

Depending on the circumstances of the crime, especially in situations that could pose an immediate threat to the community and individuals, Drake Public Safety may also send a notice through Bulldog Alert, providing the University community with more immediate notification. Anyone with information warranting a timely warning should report the circumstances to the Drake Public Safety office by phone, 515-271-2222 or in person at 1214 31st Street.

Timely Warning Notice and Bulldog Alert messages are generally written by the Executive Director of Public Safety and University Operations but may have input from other members of the Incident Command Team. Updates to the campus community about any case resulting in a Timely Warning Notice may be distributed via blast email, posters may also be posted in campus buildings when deemed necessary, or information may be shared with The Times-Delphic newspaper for a follow-up story.

Using the Bulldog Alert and Timely Warning system, Drake can reach thousands of individuals in minutes. The program can store up to six phone numbers per student or faculty/staff member, including campus, cell and home phone numbers, ensuring that time-sensitive messages reach all recipients as quickly as possible. The same messages can also be delivered via e-mail or text message.

## Access to Campus Facilities at Drake University

### Academic and Administrative Buildings

Most campus buildings and facilities are accessible to faculty, staff, students, guests, and contractors during normal operating hours on weekdays and during designated hours on weekends. Normal operating hours vary for individual buildings and University offices.

Some buildings have 24-hour availability using card access; however, hours may vary during the periods of time the University is not in normal operation. (This includes most holidays and University breaks).

Policies regarding guests and visitors on campus are integrated with other policies relating to student housing, student conduct, and facilities access. Generally, students and other campus community members are held accountable for the conduct of their guests while they are on campus. All guests are subject to the same University rules and regulations governing the conduct of students, faculty, and staff.

Academic and administrative buildings do not have a specific Public Safety officer assigned to them. However, Drake Public Safety officers patrol the academic and administrative buildings on a regular basis. For information about the access protocol for a specific building, see the department head or contact Drake Public Safety at (515) 271-2222.

## Residence Halls

Access to residence halls is restricted to residents, their approved guests, and other approved members of the University community. Residents gain entry by swiping their cards in the card access readers. Residents are cautioned against permitting strangers to enter the buildings and are urged to require individuals seeking entry to use their access cards. Drake Public Safety officers patrol residence halls and check door status and security on a regular basis.

Residence Life staff, directors, and coordinators also enforce security measures in the halls and work with residents to achieve a community respectful of individual and group rights and responsibilities. Residence Life staff and Drake Public Safety also conduct periodic educational sessions on prevention of various crimes, including sexual assault and acquaintance rape, and how to report the crimes if they do occur.

Front desk receptionists are on duty in every Drake residence hall during specific periods of the day. All residence halls are locked and only accessible by those granted permission with their access card key. If a student or a guest enters any residence hall, even their own hall after 11 p.m., that person must present identification when asked to do so.

Guests must always be accompanied by a hall resident. Drake Community members must follow the guest check-in procedure with the receptionist when visiting a residence hall other than their own residence. To be admitted to other campus buildings after business hours, that person may also be required to show proper ID to a building monitor.

## Maintenance of Campus Facilities

### Security Considerations Regarding Maintenance

Drake University maintains and tests on a monthly basis emergency phones and security lighting to ensure the campus remains well-lit to deter crime and increase visibility. On a monthly basis a phone report is generated for Blue Light Phones which are tested by Public Safety Officers to confirm emergency devices are in working order and ready when needed. The facilities department tends to and maintains grounds to prevent areas for individuals to hide and keep things neat and orderly. Facilities and landscaping are preserved in a manner that minimizes hazardous conditions.

## Best Practices, Tips and Advice, Education Programs on Security Awareness

### Personal Safety Protection

*\*Call Drake Public Safety.* No matter how trivial an incident seems or how harmless an unknown visitor appears, call Public Safety any time. The emergency number is 515-271-2222.

*\*In case of fire or if an ambulance is needed*, the first call should be the Des Moines emergency number, 911. Follow that call by phoning Drake Public Safety at 515-271-2222. Make sure to have the street address available when calling the Des Moines emergency number. If anyone needs help in contacting Public Safety or any public authorities, ask a resident assistant or a university administrator.

*\*Three's a crowd*. Don't walk alone, travel in groups whenever possible. Walk close to the curb, away from bushes, alleys, or driveways. Stay in well-lit areas when walking at night and call a friend for an escort if necessary. If a person must walk alone, let someone know when and where to expect an arrival.

*\*Maintain personal privacy*. Always pull curtains or shades after dark. Never dress or undress in front of windows.

*\*Keep good company*. If a Drake Community member thinks someone may be following them, immediately make way to a heavily used and occupied area. If close to a building with people inside, go in and stay awhile. Call Public Safety at 515-271-2222.

## Personal Property Protection

*\*Locks don't work unless they are used*. Most thefts on campus occur in unlocked rooms. If there is a problem with a lock, report it immediately to facilities services..

*\*Be on the lookout*. If a Drake Community member sees someone suspicious in a residence hall or office building, ask what he or she is doing or call Public Safety. Sales people are not allowed in the residence halls, and a hall resident must accompany all non-Drake visitors.

*\*Keep an eye on laundry*. Clothing can be removed during laundry cycles. If off-campus laundry facilities are used, don't go alone or late at night.

*\*Caution is paramount*. Don't leave keys or identification lying around. Don't lend them to anyone. Don't leave copies under a mat, behind a desk or in a mailbox. If keys or IDs are taken or lost, report the loss to a residence hall director at once. It is always possible to get new keys or an ID and have locks changed for a fee.

*\*Make a mark*. Operation Identification at Drake helps identify belongings. Just call the Des Moines Police Department for an identification number and then engrave it on the property. Police can use the number to identify stolen property and return it to the rightful owner—Drake will even supply an engraver. Ask a resident assistant for more information or call Drake Public Safety for more details.

## The importance of reporting incidents

If a Drake Community member is robbed, attacked, or feels victimized; report it. When a call is made to Drake Public Safety (515-271-2222), describe what was seen or heard. Give the address and location of the incident, the number of people involved, descriptions of the people, details and circumstances, and the license numbers and descriptions of any vehicles involved.

Drake Community members are encouraged to make prompt and accurate reports of all crimes to Drake Public Safety and/or the Des Moines Police Department. Public Safety treats all reports very seriously and we will respond accordingly.

It's important to report a crime, no matter how insignificant it seems. Sometimes police can fit a problem into a pattern developing in the city. Reporting a crime is one way to help to keep the same person from hurting or stealing from someone else.

If a Drake Community member intends to report a theft to an insurance company, a police report must be filed. Drake Public Safety will not issue copies of their reports to any individuals.

## **Educational Programs and Services**

### **Overview of Programs and Services**

Many different and varying programs and services are available to members of the Drake Community designed to inform students and employees about campus security procedures and practices, as well as the prevention of crimes. These programs and services are also intended to encourage students and employees to be responsible for their own security and the security of others. A synopsis and description of the type and frequency of many of Drake Public Safety's programs and services are highlighted below.

In addition to these programs, Crime Prevention and Security Awareness procedures are discussed during new student orientation sessions in the summer months. Drake Public Safety officers and administration participate in Neighborhood Association meetings, meet, and greet opportunities, and student organization meetings to address the Drake Community and explain University crime prevention, security measures and procedures. Members of Drake Public Safety host Crime Prevention and Security Awareness presentations when requested by various organizations and departments around campus, including students and employees of Drake University. During these types of presentations, the following information is typically provided: crime prevention tips; statistics on crime and public safety data at Drake; information regarding campus security and procedures and practices, including encouraging participants to be responsible for their own security and for the security of others on campus. In addition, Drake Public Safety has created and sets up an informational display table which is staffed by an officer or administrator at various times on campus throughout the year. This activity provides an opportunity for Drake Public Safety to hand out safety related information, answer individual questions, and give an overview of Public Safety's services.

#### **1. Self Defense Training**

Drake Public Safety offers a free educational course to any current student that centers on defending against an attacker. This security awareness course is taught by members of the department. The Self Defense Training Program is offered on a by-request basis throughout the calendar year. Any interested student and/or student organization should contact the Public Safety Department for availability and scheduling.

#### **2. Safe Ride Bus**

Drake Public Safety operates its own evening bus system. The bus service is an ongoing crime prevention program designed to offer students a reliable, safe transportation option in evening hours. The bus runs throughout the school year, Sunday through Wednesday, 8 p.m. to 1 a.m., and Thursday through Saturday 8 p.m. to 2:30 a.m. The bus follows two routes:

1) An exterior route from 25th Street to Cottage Grove Avenue, Cottage Grove to 34th Street, 34th Street to College Avenue, and College Avenue back to 25th Street.

2) An interior route from 25th Street to University Avenue, University Avenue to 30th Street, 30th Street to Forest Avenue, and Forest Avenue back to 25th Street.

The bus is completely free of charge and available to any current student, faculty, or staff member. Riders may be asked to present identification to confirm their Drake status when boarding the bus.

### **3. Public Safety “Meet and Greets”**

Drake Public Safety officers and administrators often make appearances at university residence halls in a casual and informal nature to be available for questions, act as resources, and simply gain familiarity with students. The focus of the meetings is security awareness education and crime prevention. The meeting is a great opportunity for Public Safety to discuss best practices and tips, offer personal security advice, and allow students to gain public safety knowledge in a much more conversational nature.

### **4. Rave Guardian App**

The Rave Guardian mobile phone app is available as a free download for all Drake University students, faculty, and staff. The app enhances safety on campus and crime prevention through real-time, interactive features that create a virtual safety network of friends, family, and Drake’s Department of Public Safety.

### **5. “Lock It Up” Poster Campaign**

The “Lock It Up” Poster Campaign is a security awareness program designed to encourage proper securing of personal belongings by placing the poster in highly trafficked areas throughout the campus. It’s possible that crimes, specifically theft, may be prevented by locking and securing personal items; making it much more difficult to steal them. Thefts are often crimes of convenience, and if theft is made more difficult to accomplish, then the crime itself should be reduced. While the prevention of thefts cannot be guaranteed, the poster campaign is an ongoing crime prevention program serving as a reminder that students can help protect themselves by following safe procedures.

### **6. Community Coordinated Response Team**

Once each month while school is in session, the Polk County Crisis and Advocacy Services Department holds a meeting for the Community Coordinated Response Team (CCR). The CCR is comprised of administrative individuals from different local higher education institutions. Many administrators from departments throughout Drake University are members.

The goal of the CCR is to develop and enhance response to violence on campuses in a timely, appropriate, sensitive, and respectful manner. The CCR is intended to bring together students, staff, faculty, campus security, local law enforcement, prosecutors, SANE professionals, and victim service providers to address sexual assault, dating violence and stalking on college campuses.

The objectives of the CCR include:

- Providing joint education on trauma informed care, victims' rights, Title IX and Amended Clery requirements, sexual assault exam procedures, law enforcement involvement, prosecution requirements, and the role of advocates.
- Assessing and/or developing campus policies, protocols and services that more effectively identify and respond to the crimes of sexual assault, dating violence and stalking.
- Sharing and reviewing educational programs being used for prevention.
- Supporting improved coordination among campus administrators, campus security, and local law enforcement and victim service providers.

Ultimately, the CCR is about collaboration on a local level with similar institutions to make area campuses safer and better equipped to not only respond to sexual assaults, dating violence, and stalking, but to help reduce the number of incidents.

## **7. Bicycle Permit Registration**

Bicycle Permit Registration is available for any Drake associated faculty, staff, or student. Registration is free and easy. Bicycle registration forms and permit stickers can be picked up at Drake Public Safety. The permit stays with the registered owner for their entire career at Drake and is a program available all year round to help prevent bike theft. In the unfortunate event a registered bike is stolen, the permit can help in recovering a stolen item.

# **Drake University Policies**

## **Alcohol and Drugs Policies**

### **Alcohol Usage and Statement of Policy**

While the University cannot deny persons of legal age the right to drink alcohol, it endeavors to prevent the abuse of drinking privileges by encouraging individuals to behave in an appropriate and responsible manner when consuming alcohol.

Drake traditionally places great value on student autonomy, independence, and responsibility. Consistent with this value, Drake embraces the concept of student ownership and responsibility for establishing and reinforcing community alcohol standards. Specifically, Drake expects students who use alcohol to:

- make healthy choices that avoid high-risk behaviors and negative effects on academics, health, or relationships
- refrain from abuse to self, others, or property
- maintain control of his or herself and circumstances

- comply with all applicable laws
- be informed, supportive peers who look out for one another's welfare

In furtherance of these expectations, Drake will educate its students on alcohol-related issues, including peer groups as part of this effort. Students receive information on:

- alcohol standards and policies
- signs of alcohol problems
- how to explore and understand their own drinking choices
- available campus and off-campus resources
- levels of alcohol impairment
- effects of tolerance on alcohol consumption
- effects of other drugs on alcohol consumption
- how to calculate blood-alcohol levels
- emergency responses and procedures
- issues that drive substance abuse

The following definitions apply throughout this policy.

- 1. Alcoholic Beverage.** "Alcoholic beverage" means any beverage containing more than one-half of one percent alcohol by volume, including alcoholic liquor, wine, and beer.
- 2. Legal Age.** In Iowa, the legal age is 21.
- 3. Public Place.** A "public place" is any area or building on campus to which the public is permitted access. It does not include private residences.
- 4. Intoxicated.** A person is intoxicated when one or more of the following are true:
  - The person's reason or mental ability has been affected.
  - The person's judgment is impaired.
  - The person's emotions are visibly excited.
  - The person has, to any extent, lost control of bodily actions or motions.

### **Alcohol and Prohibited Conduct**

The following conduct is prohibited by Iowa law and Drake University's Student Code of Conduct. Each act is punishable as non-academic misconduct under the Code of Conduct, subjects the offender to criminal sanctions under federal, state, or local laws, and subjects the offender to the University fines described below.

#### **1. Underage Consumption or Possession of Alcohol**

Drake University prohibits the consumption or possession of alcoholic beverages by persons under the legal age, except to the extent that a person under legal age may handle alcoholic beverages during the regular course of the person's employment.

#### **2. Supplying Underage Persons with Alcoholic Beverages**

Drake University prohibits selling, giving, or otherwise supplying alcoholic beverages to persons under the legal age.



### 3. Public Consumption/Intoxication

Drake University prohibits the consumption of alcohol in public places except to the extent the place has the requisite license or permit (e.g., certain areas of the Olmsted Center), and permission from the Office of Student Life or the President of the University, to dispense alcoholic beverages. Drake University also prohibits being intoxicated, or pretending to be intoxicated, in public places.

### 4. Providing Alcoholic Beverages to an Intoxicated Person

Drake University prohibits selling, dispensing, or giving alcoholic beverages to an intoxicated person, and/or a person simulating intoxication.

### 5. Other Violations of Federal, State, or Local Laws Relating to Alcohol

Any act or course of conduct that is a violation of a federal law, the Iowa Code, or the Des Moines Municipal Code also constitutes a violation of this policy. In addition to any criminal or civil penalties, a Drake student is also subject to discipline under the Student Code of Conduct. A Drake student is subject to discipline under the Student Code of Conduct whether criminal charges or civil actions are brought against the student, and whatever the outcome of such criminal or civil proceedings may be.

### University Sanctions for Alcohol Violations

Students who violate University's Alcohol Policy face various sanctions based on the number of violations the student has previously committed and other factors relevant to the violation. One sanction violators may receive is a fine payable to the University, in the amounts set forth below. All funds collected from these fines will be used for campus-wide alcohol educational programming. Students who fail to pay a fine within 30 days after receiving notice of the fine will have the fine added to their university bill. Note: The University may place a "hold" on the record of any student who is delinquent in payment of his/her university bill. Because of the hold, the student will be unable to register for class, receive transcripts, or receive diplomas until the bill is paid.

#### University Sanctions

First Violation	*Formal Reprimand *\$100.00 Fine *Additional sanctions may be imposed in the discretion of the Residence Hall Coordinator, the Assistant Director of Residence Life, and/or the Dean of Students
Second Violation	*Warning/Probation *\$150.00 Fine * Additional sanctions (e.g., probation, community service, alcohol assessment/counseling) may be imposed in the discretion of the Assistant Director of Residence Life and/or the Dean of Students

Third (and more) Violations \*Probation

\*\$200.00 Fine

\* Additional sanctions (e.g., removal from residence halls, alcohol assessment/counseling, disciplinary action under the Student Code of Conduct, which could result in suspension or expulsion from the University) may be imposed in the discretion of the Director of Residence Life and/or the Dean of Students

\*The foregoing prohibited conduct is meant to establish minimum standards of conduct applicable to Drake students. Nothing in this policy prevents student organizations or other groups from establishing stricter standards for their members. This policy establishes a floor, not a ceiling.

## **Drug Usage and Statement of Policy**

Pursuant to the Drug-Free Schools and Communities Act, the Higher Education Act Amendments of 1998, and the Higher Education Opportunity Act of 2008, the University prohibits the unlawful possession, use, or distribution of illicit drugs and controlled substances by students and employees on Drake's property or as part of any Drake activity. Prohibited conduct regarding drugs and controlled substances is explained below. Engaging in drug-related prohibited conduct is non-academic misconduct, punishable under the sanctions below and in addition to any potential criminal sanctions. Any questions about this policy should be directed to the Dean of Students Office at 515-271-2835.

The following definitions apply throughout this policy:

- 1. Controlled Substance:** "Controlled substance" means a drug, substance, or immediate precursor in Iowa Code chapter 124 schedules I through V, and/or the Federal Controlled Substances Act, 21 U.S.C. § 812. "Controlled substance" includes, but is not limited to heroin, cocaine, marijuana, opiates, and opioids (e.g., hydrocodone, Vicodin®, OxyContin®), amphetamines, LSD, MDMA (ecstasy), and steroids. "Controlled substance" under this policy includes simulated controlled substances, which means a substance that is not a controlled substance but that is expressly or impliedly represented to be a controlled substance.
- 2. Distribute:** "Distribute" means to deliver a controlled substance, other than by administering or dispensing it by an authorized healthcare or pharmacy professional.
- 3. Manufacture:** To "manufacture" a controlled substance includes the production, preparation, propagation, compounding, conversion, or processing of a controlled substance, as well as any packaging or repackaging of the substance or labeling or relabeling of its container.

## **Drugs, Controlled Substances, and Prohibited Conduct**

The following conduct is prohibited by Iowa law and Drake University's Student Code of Conduct. Each act is punishable as non-academic misconduct under the Code of Conduct, subjects the offender to criminal sanctions under federal, state, or local laws, and subjects the offender to the University fines described below.

## 1. Possession of a Controlled Substance

Drake University prohibits the knowing or intentional possession of a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting during the practitioner’s professional practice, or except as otherwise authorized by law.

## 2. Distribution, Manufacture, or Possession with Intent to Distribute or Manufacture

Drake University prohibits the manufacture of a controlled substance, the distribution of a controlled substance, the possession of a controlled substance with the intent to distribute it, the possession of a controlled substance with the intent to manufacture another controlled substance, and entering a common scheme or design with, or conspiring with, one or more other persons to do any of the foregoing acts.

## 3. Possession, Manufacture, or Delivery of Drug Paraphernalia

Drake University prohibits the possession, manufacture, or delivery of drug paraphernalia. “Drug paraphernalia” means all equipment, products, or materials of any kind used or attempted to be used in combination with an illegal controlled substance, to:

- Manufacture controlled substances.
- Inject, ingest, inhale, or otherwise introduce into the human body a controlled substance.
- Test the strength, effectiveness, or purity of a controlled substance; or
- Enhance the effect of a controlled substance.

## University Sanctions for Drugs and Controlled Substances Violations

Students who violate University’s Drug Policy face various sanctions based on the number of violations the student has previously committed and other factors relevant to the violation. One sanction violator may receive is a fine payable to the University, in the amounts set forth below. All funds collected because of fines will be used for campus-wide alcohol educational programming.

Students who fail to pay a fine within 30 days after receiving notice of the fine will have the fine added to their university bill. Note: The University may place a “hold” on the record of any student who is delinquent in payment of his/her university bill. Because of the hold, the student will be unable to register for class, receive transcripts, or receive diplomas until the bill is paid.

### University Sanctions

#### ***Possession***

First Violation	*\$200.00 Fine *Probation *Additional sanctions may be imposed in the discretion of the Residence Hall Coordinator, the Assistant Director of Residence Life, and/or the Dean of Students
Second Violation	*Extended Probation *Removal from the residence hall/ housing contract cancellation

- \*\$200.00 Fine
- \*Drug and Alcohol Assessment
- \*Additional sanctions may be imposed in the discretion of the Residence Hall Coordinator, the Assistant Director of Residence Life, and/or the Dean of Students

Third (and more) Violations \*Referral to Dean of Students for disciplinary action under the Code of Student Conduct, which could result in suspension or expulsion from the University

***Possession with Intent to Distribute***

- \*\$400.00 Fine
- \*Removal from residence halls
- \* Referral to Dean of Students for disciplinary action under the Code of Student Conduct, which could result in suspension or expulsion from the University

\*In addition to criminal and/or University sanctions, a student convicted of a state or federal offense involving the sale of a controlled substance based on conduct that occurred during a period of enrollment during which the student was receiving federal financial aid faces possible ineligibility for federal financial aid. Call the Dean of Students Office for more details at 515-271-2835.

**Medical Amnesty**

Drake University’s primary concern is the health and safety of its students. The University is aware that students are sometimes reluctant to seek medical attention in alcohol- and drug-related emergencies, out of fear that they may face sanctions related to possessing or consuming alcohol and drugs. Because these emergencies are potentially life-threatening, the University wants to do what it can to reduce barriers that prevent students from seeking assistance.

Accordingly, students who seek emergency medical attention for themselves or someone else related to the consumption of alcohol or drugs will be referred for substance abuse evaluation and/or treatment, instead of receiving the University-imposed sanctions referenced above, for the alcohol or drug-related policy violation. Medical Amnesty only applies when a student initiates the call for emergency medical attention and only when the emergency medical attention is needed to address alcohol or drug emergencies. It does not apply when the individual suffering from the alcohol or drug emergency is discovered by a university official (e.g., public safety, RA, etc.).

Medical Amnesty does not apply to violations of the Code of Student Conduct that are egregious, in the judgment of the Dean, including, but not limited to, sexual assault, weapons possession, possession of drugs that induce incapacitation (e.g., Rohypnol or other “date rape drugs”), and all drug offenses beyond mere possession. The University strongly encourages victims who have been sexually assaulted after consuming alcohol or drugs and witnesses to such assaults to come forward without fear of disciplinary action by the University. The University strongly encourages students to seek emergency treatment when alcohol poisoning or a drug overdose is suspected.

## Drug and Alcohol Abuse Education Programs

### 1. Drake University CARE Team

Drake's top priorities include providing a safe environment in which students are mentally and physically able to study, work and play. The University CARE team focuses on prevention by proactively responding to students showing signs of distress such as sadness, anxiousness, irritability, or depression. The team meets regularly to provide guidance to faculty, staff and students who are responding to troubled students and preventing campus disruptions. Discussions, recommendations, and actions of the team remain confidential to the extent feasible under the circumstances.

Parents are an important partner in the health and safety of the campus community as well. The CARE team may contact parents, when permitted by law, as a preventative measure when signs of distress have been identified, and the CARE team encourages parents to do the same if they have concerns about their child.

For more information about the Drake CARE team, contact the Dean of Students Office at 1-800-44-DRAKE or 515-271-2835.

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<sup>1</sup> Under the Family Educational Rights and Privacy Act (FERPA), schools may disclose education records to parents if (1) the student consents, (2) the student is a dependent for income tax purposes, (3) a health or safety emergency involves their son or daughter, (4) if the student who is under age 21 has violated any law or school policy concerning the use or possession of alcohol or a controlled substance, and (5) a school official may generally share with a parent information that is based on that official's personal knowledge or observation of the student.

### 2. "Drunk Goggles" Checkout Program

"Drunk Goggles," as they are often referred to, are a very popular ongoing crime prevention tool designed to educate Drake students about the effects of alcohol misuse and abuse. Available through Drake Public Safety, the goggles utilize a technology that allows the wearer of the tool to experience a realistic simulation of impairment by alcohol. The wearer of the goggles gains a first-hand experience of just how difficult it is to perform routine tasks while intoxicated. The Drunk Goggles are an amazing security awareness program that educates students on how vulnerable and susceptible they are to potentially dangerous situations while exhibiting signs of intoxication.

A demonstration program of the goggles may be given by a member of the Public Safety Department when scheduled, or an approved organizer of a student group may checkout the goggles at any time throughout the calendar year.

### 3. University Offered Programs

Drake offers programs designed to inform students, faculty and staff about drug and alcohol abuse education.

- Residence halls and Greek houses video programs (throughout the year)
- Crime prevention/campus security programs (Go to [drake.edu/publicsafety](http://drake.edu/publicsafety) for more information.)

- Drug and alcohol abuse education programs through Office of Residence Life
- BACCHUS, student organization encouraging responsible alcohol use
- GAMMA, Greek alcohol education organization
- Alcohol Awareness Week (October)
- Safe Spring Break Days (March)
- Drug and alcohol counseling without charge (call the Drake Counseling Center, x3864)
- Drugs in Society academic credit course
- S.M.A.R.T. course in partnership with Employee and Family Resources of Des Moines
- eCheckUpOnline for all incoming students

## Sexual Harassment Policy

### Policy Summary

Identifying prohibited behavior and establishing a fair, prompt, impartial, and equitable University response to instances of sexual harassment.

### Purpose

To set forth Drake University’s policies and procedures related to sexual harassment, which includes “quid pro quo” sexual harassment, hostile environment sexual harassment, sexual assault, dating violence, domestic violence, and stalking, and provide contact information for resources and University employees responsible for administering the Policy. In addition, this Policy is intended to ensure that the University’s policies and procedures related to sexual harassment are interpreted and applied consistently with Title IX, the Clery Act, Title VII, Iowa law, and any other applicable law or regulation.

### Scope

In accordance with applicable law, this Policy prohibits sex discrimination, including sexual harassment as defined below, in its programs and activities. This Policy applies to all persons participating in the programs or activities of Drake University, including students and employees. This Policy applies regardless of the gender, sexual orientation, or gender identity or expression of the individuals involved.

Any person may report or file a complaint alleging sexual harassment against a student or employee. However, with respect to any complaint that is 1) by a person who is not a member of the University community, and/or 2) relating to conduct occurring outside the University’s program or activity, the University reserves the right to determine, in its sole discretion, whether the conduct described in the complaint bears a sufficient nexus to a Drake educational program or employment relationship or constitutes a sufficient risk to the University community to proceed under this or another conduct Policy.

“Students” include admitted students as well as students who may not be on campus but are nonetheless considered an active or enrolled student at the University. “Employees” include full-time and part-time faculty and staff employed on campus or through a University program, activity, or event, as well as adjunct professors, distinguished lecturers, or visiting scholars, faculty, and instructors

teaching or interacting with University students and personnel.

The scope of Title IX: The University's jurisdiction under Title IX is limited to locations, events, or circumstances over which it substantially controls both the Respondent accused of behavior violating this Policy and the context in which the alleged harassment occurs, as well as any building owned or controlled by a student organization that is officially recognized by the University, such as a fraternity or sorority. The University's jurisdiction under Title IX is also limited to conduct against a person that occurs in the United States.

If a report or complaint falls under the University's jurisdiction under Title IX, the University will utilize the Formal Title IX Resolution Process to respond to claims of sexual harassment and will not proceed under any other College policy or procedure if doing so would interfere with any right or privilege provided to a party under Title IX. If the University determines that a report or complaint does not fall under the University's jurisdiction under Title IX, the University may still take action for such alleged conduct, consistent with applicable law and policy and based on the nature of the alleged conduct. The parties will be notified of this decision.

## Definitions

### 1. Sexual Harassment:

For purposes of implementing the federal regulations governing the University's response to misconduct under Title IX, sexual harassment is defined as:

a.) Unwelcome behavior of a sexual nature or that is directed at someone based on their sex when:

Submission to, or rejection of, such conduct is made explicitly or implicitly a term or condition of an aid, benefit, or service of the individual's education, employment or status in a course, program or activity; and/or

Such conduct is sufficiently severe, pervasive, and objectively offensive (intimidating, hostile, and/or abusive) that it effectively denies an individual's access to work or education program or activity.

b.) Sexual assault, defined as any sexual act directed against another person, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent including:

- Rape: the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person without consent of the Complainant.
- Fondling: the touching of the private body parts of another person for the purpose of sexual gratification without consent of the Complainant including instances where the Complainant is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
- Incest: sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; or
- Statutory rape: sexual intercourse with a person who is under the statutory age of consent.

c.) Dating violence, which is violence committed by a person who is or has been in a social relationship of a romantic, sexual, or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For purposes of this definition dating violence includes, but is not limited to, sexual or physical abuse or threat of such abuse and does not include acts covered under the definition of domestic violence.

d.) Domestic violence, which is a felony or misdemeanor crime of violence committed by a:

- Current or former spouse or intimate partner of the Complainant;
- Person with whom the Complainant shares a child in common;
- Person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner;
- Person similarly situated to a spouse of the Complainant under the laws of the State of Iowa or the jurisdiction in which the incident reported occurred; and
- Any other person against an adult or youth Complainant who is protected from that person's act under the laws of the State of Iowa or the jurisdiction in which the incident reported occurred.

e.) Stalking, which is engaging in a course of conduct directed toward a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress. For purposes of this definition:

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

For purposes of reports and formal complaints of sexual harassment which fail to satisfy the jurisdictional requirements established by federal regulations governing the University's response to sexual harassment under Title IX sexual harassment will, in addition to the above, be defined as including the following additional form of sexual harassment under the Title VII, the Iowa Civil Rights Act, and other applicable law:

- Unwelcome behavior of a sexual nature or that is directed at someone because of their sex when such conduct is sufficiently severe, persistent, or pervasive that it has the purpose or effect of unreasonably interfering with or limiting an individual's work or education so as to create an intimidating, hostile, or offensive environment for work or learning or participating in a University program or activity.

Discussion: The University has modified its definition of sexual harassment in accordance with the U.S. Department of Education's use of "sexual harassment" as an umbrella term that refers to various forms of sexual and interpersonal misconduct including sexual assault, dating violence, domestic violence and stalking as well as various forms of what has traditionally been referred to as



sexual harassment including “quid pro quo” sexual harassment and hostile work and/or education environment sexual harassment.

**2. Federal Regulations Governing the University’s Response to Sexual Harassment Under Title IX: Regulatory provisions and supplemental guidance published by the U.S. Department of Education at 34 CFR 106 and providing for non-discrimination on the basis of sex in education programs or activities receiving federal financial assistance including, but not limited to, the following U.S. Department of Education regulatory provisions:**

- Grievance process for formal complaints of sexual harassment under 34 CFR 106.45
- Adoption of grievance procedures, dissemination of Title IX policy and designation of Title IX Coordinator under 34 CFR 106.8
- Definitions and Title IX jurisdiction/scope requirements under 34 CFR 106.30;
- Institutional Title IX sexual harassment response requirements under 34 CFR 106.44
- Prohibition against retaliation under 34 CFR 106.71

**3. Coercion: Verbal and/or physical conduct, including manipulation, intimidation, unwanted contact, and express or implied threats of physical, emotional, or other harm, that would reasonably place an individual in fear of immediate or future harm and that is employed to compel someone to engage in sexual activity.**

**4. Consent: The term “consent,” in the context of sexual activity, means informed, freely and actively given, unambiguous words or actions that demonstrate a willingness to participate in mutually agreed-upon sexual activity.**

Discussion: When looking at whether consent is present, it is important to understand that persons who seek to engage in the sexual activity are responsible for obtaining consent – it should never be assumed. For instance, a current/prior relationship or current/previous sexual activity alone is not sufficient to demonstrate consent, nor does consent to engage in sexual activity with one person imply consent to engage in sexual activity with another person. Similarly, lack of protest or resistance does not constitute consent, nor does silence mean consent has been given.

To constitute consensual sexual activity, consent must be present throughout the sexual activity – at any time, a participant may communicate (verbally or physically) that they no longer consent to continuing the activity. If there is confusion as to whether anyone has consented or continues to consent to sexual activity, it is essential that the participants stop the activity until the confusion can be clearly resolved. The assessment is based on objectively and reasonably apparent indications of consent available to the person seeking to engage in sexual activity, when viewed from the perspective of a reasonable person under the circumstances.

Consent is not present if a sexual act is committed through coercion or force. Furthermore, an individual is unable to give consent if they are incapacitated or a minor under age 16.

**5. Force: The use or threat of physical violence or intimidation to overcome an individual’s freedom of will to choose whether or not to participate in sexual activity.**

**6. Incapacitation: Incapacitation is the inability, temporarily or permanently, to give consent because an individual is mentally and/or physically helpless, asleep, unconscious, or unaware that sexual activity is occurring, including due to the influence of drugs, alcohol, medication, or**

**mental or physical disability. An individual who is incapacitated lacks the ability to make informed judgments and cannot consent to sexual contact or activity.**

Discussion: Where alcohol or other drugs are involved, incapacitation is a state beyond impairment or intoxication wherein the individual is unaware of their actions or surroundings. Where alcohol or other drugs are involved, evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects a person's decision-making ability; awareness of consequences; ability to make informed, rational judgments; capacity to appreciate the nature and quality of the act; or level of consciousness. The assessment is based on objectively and reasonably apparent indications of incapacitation available to the person seeking to engage in sexual activity, when viewed from the perspective of a reasonable person under the circumstances.

**7. Retaliation: A materially adverse action taken against a person because of the person's report of sexual harassment, participation in the investigation of a report of sexual harassment, or objecting to or resisting such harassment.**

Discussion and Examples:

The following actions could constitute retaliation if they are taken against an individual because they have resisted or reported sexual harassment, sought guidance, filed a complaint or participated in an investigation into sexual harassment:

- Retaliation can include any action that has an adverse impact on the individual's employment, compensation or work assignments, or, in the case of students, grades, class selection or any other matter pertaining to the student's participation at the University.
- Retaliation might also include, but is not limited to, harassment, intimidation, coercion, discrimination, or other misconduct directed at an individual because they have resisted or reported sexual or interpersonal misconduct, sought guidance, filed a complaint or participated in an investigation into sexual or interpersonal misconduct.

Retaliation is a separate form of misconduct that must be investigated and could justify additional supportive measures and/or sanctions against any person involved in the retaliatory acts, including third-parties, friends, or other persons acting on behalf of or in cooperation with the Complainant or Respondent.

## Policy

Drake University is committed to providing a learning and working environment where its students and employees are valued as individuals, can feel safe, and are treated respectfully. Certain conduct is inconsistent with these standards and values, violates University policy, and, in some instances, state and federal law.

Accordingly, consistent with the University's Non-Discrimination Statement, the University prohibits discrimination on the basis of sex in its educational programs and activities, and in employment. This includes, but is not limited to, discrimination in the form of sexual harassment, which includes sexual assault, dating violence, domestic violence, and stalking (collectively referred to as "Sexual Harassment"). Retaliation against anyone for resisting or reporting sexual harassment, seeking

guidance, filing a complaint, or participating in an investigation into sexual harassment is strictly prohibited. Assisting another person in the commission of sexual harassment is also prohibited.

The University recognizes, and is committed to, its obligation to provide a prompt, fair, and equitable response when it learns of sexual harassment involving a student, employee, or program or activity under the scope of this Policy. Individuals who alone, or with others, are found to have participated or attempted to participate in sexual harassment will be subject to disciplinary action by the University, up to and including separation from the University, notwithstanding whether any other action is taken through civil or criminal processes.

The University is committed to the principles of free inquiry and expression and, therefore, this Policy will respect the University's defined principles of academic freedom or freedom of thought and expression. These principles recognize the importance of free and open exchange of ideas in discussion or work in the classroom, in research, or intellectual discourse when the speech in question is germane to the subject matter or is recognized as having a pedagogical purpose.

## **Title IX Coordinator and Deputy Title IX Coordinators**

The Title IX Coordinator oversees the University's centralized review, response, and resolution procedures for reports of sexual harassment. Any individual (e.g., Complainant, Respondent, witness, or third party) may contact the Title IX Coordinator to report concerns of sexual harassment or to ask questions about the University's policies and procedures relating to sexual harassment. The Title IX Coordinator can also provide information related to campus and community resources and describe the options available to address concerns related to sexual harassment. The Title IX Coordinator can be contacted in a variety of ways:

### **Title IX Coordinator**

In Person: 316 Old Main

Email: [titleix@drake.edu](mailto:titleix@drake.edu)

Phone: 515-271-4956

Online: [drake.edu/titleix](http://drake.edu/titleix)

The duties of the Title IX Coordinator also include training, education, climate review, and oversight of procedures that are designed to promptly and equitably eliminate sexual harassment, prevent its recurrence, and address any effects on persons or on the University campus. To accomplish these duties, the University also has additional employees whose roles on campus can provide information and support to individuals, including the Deputy Title IX Coordinator for Athletics, Deputy Title IX Coordinator for Campus Climate, and Deputy Title IX Coordinator for Prevention. Contact information for these employees can be found on the Title IX webpage at [drake.edu/titleix](http://drake.edu/titleix).

## **I. Resources and Reporting**

### **Resources, Support, and Information**

When a student or employee reports to the University that the student or employee 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 the student's or employee's rights and options.

The University offers resources, support, and information for any student or employee who has questions or concerns regarding sexual harassment. This information can be found in this Policy or on the University's Title IX webpage at [drake.edu/titleix](http://drake.edu/titleix), and can also be requested from the Title IX Coordinator, the Dean of Students, Human Resources, or other identified University employees or offices. In addition, the University also provides required notifications to the campus community or to those involved in complaints of sexual harassment. Individuals with questions or concerns, or those needing support and assistance, can contact any of the resources listed in this Policy or the [University's Title IX webpage](#).

## **Reporting Sexual Harassment**

Any non-confidential, non-student employee must immediately report any known or suspected instances of sexual harassment to the Title IX Coordinator or as otherwise set out in this Policy. These employees include any University employee not protected by legal confidentiality. All questions regarding the circumstances under which employees are required to report instances of sexual harassment should be addressed to the Title IX Coordinator.

At Drake University, student employees typically do not carry with them the authority to address misconduct of other students and, as a result, are not required to report. Reporting by these student employees is, therefore, optional. Exceptions to this rule include student employees who, as part of their duties, are given authority to take corrective action for misconduct, such as those serving in the following roles: Resident Advisors (RA's), Assistant Resident Hall Coordinators (ARHC's), Orientation Leaders (during orientation sessions) or students with managerial responsibility over other student-employees – these student employees are required to notify the University about instances of sexual harassment.

Otherwise, Drake strongly encourages all students, employees, or anyone with knowledge to report incidents of sexual harassment. Options to disclose or report sexual harassment are set out in this Policy and can also be found on the University's Title IX webpage. There are several different options to report sexual harassment or seek assistance within or outside the University.

## **Understanding Confidentiality**

To fully understand the following reporting options, it is important to understand confidentiality and the role it plays when reporting sexual harassment. Drake University is committed to creating an environment that encourages individuals to come forward if they have experienced or witnessed any form of sexual harassment, and protects those accused during a fair and impartial resolution process.

Except as required to carry out the purposes of this Policy (including the conducting of any investigation, hearing, or judicial proceeding), applicable law, or as permitted by the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232g, the University will keep confidential the identity of any individual who has made a report or complaint of sexual harassment, or has been identified as the Respondent to any such report or complaint, or is a witness to any complaint or investigation.

Students may also request that their directory information on file with the University be removed from public sources by contacting the Student Records Office at (515) 271-2025. Information about a report of sexual harassment and the parties' identities is disclosed only to select school officials who have an essential need to know in order to carry out their job responsibilities, including the provision of reasonable supportive measures to any party. As is the case with any educational institution, the University must balance the needs of the individual with its obligation to protect the safety and well-being of the community at large.

Under Iowa law, communications with some individuals are legally confidential or privileged. This means that absent specific exceptions, these individuals cannot be forced to divulge or share any information about the identity of the individual or the specific facts of the situation. Because individuals have different obligations with regard to confidentiality depending on their positions or affiliations, one should always confirm whether legal confidentiality applies to the communication. Any other University employee not included in the list of Confidential Reporting Options below is not a confidential resource and is expected to share known or suspected sexual harassment with the Title IX Coordinator.

### **Federal Crimes Statistics Reporting and Timely Warning Notifications**

Certain campus officials, known as Campus Security Authorities (or CSAs), also have a duty to report sexual assault, domestic violence, dating violence, and stalking (among other crimes) to Drake Public Safety for federal statistical reporting purposes in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act").

All personally identifiable information reported to Drake Public Safety for purposes of satisfying the requirements of the Clery Act is kept confidential, but statistical information regarding the type of incident and its general location (e.g., on or off-campus, but no addresses are given or reported) will be collected for publication in the University's Annual Security and Fire Safety Report. This report helps to provide the community with a clear picture of the extent and nature of campus crimes to ensure greater community safety. The University does not publish names in its Daily Crime Log or online, and keeps personally identifiable information regarding crimes reported under the Clery Act out of public recordkeeping, including its Annual Security Report of Crime Statistics required under the Clery Act.

Finally, under the Clery Act University officials must issue timely warning notifications for incidents reported to them when they pose a serious or ongoing threat to students and employees in a prescribed geographic area. The University will not identify the individuals involved unless providing the identity of the Respondent is necessary for safety reasons, but will provide enough information to inform the public of any ongoing or unresolved risk.

### **Confidential Reporting Options**

#### **Confidential Resources Under Iowa Law**

The following are considered confidential resources under Iowa law and for purposes of this policy:

- Health care provider (including medical professionals at Drake University's Student Health Center)
- Personal attorney
- Psychological counselor (including counselors at Drake University's Student Counseling Center)

- Religious/spiritual counselor (including Drake University’s Spiritual Counselor)
- Victim Advocate (including through Violence Intervention Partners, Polk County Crisis and Advocacy Services, or similar crime victim center recognized under Iowa Code §915.20A)

**Campus and Community Confidential Resources**

The following are campus and community resources that are confidential and available to students or employees; additional resources may be available on the Title IX webpage at [drake.edu/titleix](http://drake.edu/titleix).

**Campus Resources and Support - CONFIDENTIAL**

Contact / Resource	Address / Room	Phone
Student Counseling Center	3116 Carpenter Ave.	515-271-3864
Student Health Center	3116 Carpenter Ave.	515-271-3731
University Spiritual Counselor	Ted Lyddon-Hatten Wesley House 2718 University Ave.	515-274-3133 (office) 515-710-8151 (cell)
Victim Advocate	Cowles Library, Room 209 (Fall & Spring Terms) Wednesdays, 3-4:30 p.m.	
Violence Intervention Partner	24/7 Peer-based Victim Support Wesley House 2718 University Ave.	515-512-2972 (Call or Text)

**Community Resources and Support - CONFIDENTIAL**

Contact / Resource	Address	Phone
Employee Assistance Program (EAP)	N/A	1-800-327-4692
Broadlawns Medical Center SANE Nurse available	1801 Hickman	515-282-2200
Iowa Lutheran Hospital SANE Nurse available	700 E. University Ave.	515-263-5612
Iowa Methodist Hospital SANE Nurse available	1200 Pleasant St.	515-241-6212
Mercy Medical Center SANE Nurse available	1111 Sixth Ave.	515-247-3121
Planned Parenthood of the Heartland-Rosenfield Health Center SANE Nurse available	1000 E. Army Post Rd.	1-877-811-7526
Polk County Crisis Services Available 24/7	2309 Euclid Ave.	515-286-3600

Iowa Sexual Abuse Hotline Available 24/7	N/A	1-800-284-7821
National Sexual Assault Hotline Available 24/7	N/A	1- 800-656-HOPE
Iowa Domestic Violence Hotline Available 24/7	N/A	1-800-942-0333
Domestic Violence Services Available 24/7	N/A	Business Line: 515-471-8699 Crisis Line: 515-243-6147
Iowa Concern Hotline (Stress Relief) Available 24/7		1-800-447-1985
LUNA – Latina Sexual & Domestic Violence Service Available 24/7	4313 Fleur Drive	Business Line: 515-271-5060 Crisis Line 1-866-256-7668
Monsoon-United Asian Women of Iowa Sexual & Domestic Violence Service Available 24/7	4952 Franklin Ave.	515-288-0881
Nisaa African Family Services Available 24/7	4952 Franklin Ave.	515-288-0881
Iowa Legal Aid (Legal Services)	1111 9th Street, #230 Des Moines, IA	1-800-532-1275
Iowa Coalition Against Domestic Violence (Legal Services)	6200 Aurora Ave. #450E Urbandale, IA	515-244-8028
Iowa Coalition Against Sexual Assault (Legal Services)	3030 Merle Hay Road Des Moines, IA	515-244-7424

## Law Enforcement Reporting Options

The University strongly encourages all members of its community to report any sexual harassment that constitutes a crime to law enforcement. However, it is the individual's choice whether or not to make such a report. Individuals have the right to decline involvement by the police. Reporting to the University does not mean the individual must also file a report with the police nor does the University automatically notify the police unless requested to do so, as required by law, or as needed to preserve campus safety (e.g., physical or sexual abuse or exploitation of a minor).

If an individual desires to contact law enforcement, they may do so directly or with assistance from the University, by contacting any of the following offices and/or individuals:

Contact	Emergency	Non-Emergency	Address / Email
Des Moines Police	911	515-283-4864 or 515-283-4811	25 East 1st Street Des Moines, IA 50309

Scott Law, Public Safety Director		515-271-2222	<a href="mailto:scott.law@drake.edu">scott.law@drake.edu</a>
Title IX Coordinator		515-271-4956	<a href="mailto:titleix@drake.edu">titleix@drake.edu</a>

## University Reporting

As noted above, individuals are encouraged to report sexual harassment to the University. When reporting a concern involving sexual harassment to the University, a “Complainant” is an individual reported to have experienced the alleged sexual harassment, regardless of whether they have personally filed a report of sexual harassment with the University. A “Respondent” is an individual reported to have engaged in sexual harassment. A “reporting party” is a person who notifies the University that sexual harassment, involving either themselves or another individual(s), has occurred.

Reporting a concern involving sexual harassment to the University does not require an individual to file a formal complaint or participate in a complaint resolution or investigation process as described below.

Contact’s Title	Name	Phone	Email / Website
Title IX Coordinator		515-271-4956	Email: <a href="mailto:titleix@drake.edu">titleix@drake.edu</a> Website: <a href="http://drake.edu/titleix">drake.edu/titleix</a>
Deputy Title IX Coordinator for Campus Climate/ Associate Provost	Melissa Sturm-Smith	515-271-2835	<a href="mailto:melissa.sturm-smith@drake.edu">melissa.sturm-smith@drake.edu</a>
Deputy Title IX Coordinator for Athletics/ Associate Athletic Director	Megan Franklin	515-271-2809	<a href="mailto:megan.franklin@drake.edu">megan.franklin@drake.edu</a>
Deputy Title IX Coordinator for Prevention/ Violence Prevention Coordinator	Lynne Cornelius	515-271-4141	<a href="mailto:prevention@drake.edu">prevention@drake.edu</a>
Executive Director, Human Resources	Maureen De Armond	309-840-4011	<a href="mailto:maureen.dearmond@drake.edu">maureen.dearmond@drake.edu</a>
Dean of Students	Jerry Parker	515-271-4088	<a href="mailto:jerry.parker@drake.edu">jerry.parker@drake.edu</a>
Public Safety Director	Scott Law	515-271-2222	<a href="mailto:scott.law@drake.edu">scott.law@drake.edu</a>

Reports of sexual harassment made to the Dean of Students, Drake Public Safety, Human Resources, or other non-confidential University employees or offices will be referred to the Title IX Coordinator.

The University respects a person’s choice to proceed anonymously and will support an individual through that process; however, reporting anonymously may limit the University’s ability to fully investigate or address an incident or to assist the reporting individual through the provision of supportive measures.

Anonymous reports may also be submitted via EthicsPoint at [drake.edu/ethicspoint](http://drake.edu/ethicspoint). EthicsPoint is a third-party website that connects individuals reporting concerns with University officials authorized to respond to those concern without identifying the reporting individual. Upon receiving a



concern, the appropriate University official(s) will post a response to the EthicsPoint site but, because the submitted reports are anonymous and not tied to specific e-mail accounts, the reporting individual will not be notified of the response. However, EthicsPoint will instruct the reporting individual to check back on the site for any responses, questions, or information from the University.

An online report can also be submitted through the [Title IX website](#), which allows the reporting individual the option to submit the report with their contact information or to remain anonymous. However, unlike reports submitted through EthicsPoint, if the reporting individual chooses not to include contact information, the University will have no means of responding or providing information or resources to the person submitting the anonymous report.

## **Time Frame for Reporting**

The University encourages individuals to come forward as soon as possible to share concerns of sexual harassment so that a timely and effective review and response can occur. There is no time limit for a reports or complaints under this Policy, although the University's ability to investigate and respond fully may be limited with the passage of time.

However, formal complaints of sexual harassment will only be adjudicated under the University's Formal Title IX Resolution Process when the misconduct reported satisfies the jurisdictional requirements established by federal regulations governing the University's response to sexual harassment under Title IX, and if the misconduct is reported to the institution while the Complainant is participating or attempting to participate in a University education program or activity.

If at the time of the report a Respondent is no longer affiliated with the University (e.g., a report is made after a student has left or graduated or an employee no longer works for the University), the University can still provide reasonably available remedial/supportive measures, assist the Complainant in identifying external reporting options, and may take other appropriate action depending on the circumstances presented.

## **Right to an Advisor**

Both a Complainant and a Respondent are given the opportunity to have support or advice through the reporting and if applicable, investigative and disciplinary processes. Both the Complainant or the Respondent may have up to two individuals accompany them at their own expense to any meetings, interviews, or hearings related to the matter – these individuals are often called Advisors, Personal Representatives, or Support Persons (collectively referred to herein as "Advisors") and may be a friend, victim advocate, lawyer, employee, family member, or other person chosen by the Complainant or Respondent. The roles and expectations of a person serving as an Advisor are explained as follows:

- The Advisor will keep private the information shared during meetings and throughout the investigation and adjudication process and will not disclose in any manner information shared or learned in the University process.
- It is up to the Complainant and Respondent to present their information in meetings, interviews, or hearings. Advisors cannot speak for an individual and do not have an active role during any meetings, interviews, or hearings unless permitted by University policy. For instance, an Advisor, even if an attorney, does not provide active representation of an individual the way that an attorney ordinarily would in a formal legal proceeding. Advisor(s) will only be allowed to play an

active role in any hearing that allows for the cross-examination of any party or witness where the formal complaint meets the jurisdictional requirements established by federal regulations governing the University's response to sexual harassment under Title IX and requires adjudication under the University's Formal Title IX Resolution Process.

- The University's communication during the process will be primarily with the Complainant and Respondent, not with the Advisor directly. The University will copy an Advisor on communications if requested by the Complainant or Respondent. Similarly, the Complainant or Respondent may request, in writing, that the University no longer copy an Advisor.
- A Complainant or Respondent may use different Advisor(s) at various stages in the process, especially if their chosen Advisor(s) cannot be available for a scheduled meeting, interview, or hearing. The University will work to reasonably accommodate the Advisors' schedules but will not unnecessarily delay the process due to the Advisors' conflicts.
- This process involves the investigation and adjudication of a University concern, not a criminal charge (which may be occurring separately at the same time), and the process will follow University policies and protocols.
- The University may remove an Advisor if they unreasonably delay the process, or their presence is disruptive, obstructive, or otherwise interferes with the University's handling of the matter. In such a case, the University will notify the Complainant or Respondent, who may obtain another Advisor.
- Drake's policy prohibits retaliation against any individuals for filing a complaint or participating in the investigation of the complaint. An Advisor is also protected by and subject to this retaliation prohibition. This means an Advisor may not retaliate against any person participating in this process, nor may anyone retaliate against an Advisor.
- Any restrictions around the choice of Advisor will not apply to reports or formal complaints of sexual harassment that meet the jurisdictional requirements established by federal regulations governing the University's response to sexual harassment under Title IX and require adjudication under the University's Formal Title IX Resolution Process.
- In cases that meet the jurisdictional requirements established by federal regulations governing the University's response to sexual harassment under Title IX and require adjudication under the University's Formal Title IX Resolution Process, the University will:
  - provide copies of investigation reports and evidence to both the parties and their Advisor(s);
  - provide each party to the formal complaint with the option to request that one of the two allowed Advisors be a University appointed Advisor available to assist that party throughout the duration of the process; and
  - provide any party to the complaint that does not have an Advisor present to assist with cross-examination during any hearing during which the party has the right to engage in cross-examination of other parties to the complaint with a University appointed Advisor for the duration of that hearing.

## **Supportive Measures**

The University will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the University and in the Drake Community. The University will also provide written notification to victims about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures.

The Title IX Coordinator must promptly contact the Complainant to discuss the availability of supportive measures, consider the Complainant's wishes with supportive measures, and work cooperatively with individuals involved in matters of sexual harassment to promote their health, well-being and physical safety, and to make available assistance within the individual's educational and/or work environment. This applies regardless of whether the individuals are involved in a formal complaint process, an informal resolution process, or have otherwise requested the University not take action. For example, University no-contact or trespass orders or changes to academic, living, transportation, and working situations may be requested and will be arranged if reasonably available and appropriate. In addition, if requested, counseling, health services, disability services, financial aid, and assistance in notifying appropriate local law enforcement will also be provided.

Supportive measures will be individualized, provided without fee or charge to the student(s) or employee(s), are non-disciplinary in nature, and will not unreasonably burden the parties. When putting supportive measures in place, the University will consider individually each situation and the circumstances presented. Any supportive measures or accommodations provided by the University will also be kept confidential to the extent reasonably practicable, and to the extent the confidentiality does not impair the University's ability to provide the supportive measures or accommodations. Supportive measures are not disciplinary sanctions themselves, but an individual's failure to comply with the restrictions imposed by supportive measures may be a violation of this Policy and serve as a basis for disciplinary action. The Title IX Coordinator will coordinate the University's response to all requests for by any party for supportive measures.

The University may make a non-disciplinary interim suspension of a student Respondent on an emergency basis and consistent with the Student Conduct Code. Prior to suspending a student, the University will conduct an individualized safety and risk analysis and determine whether there is an immediate threat to the physical health or safety of any individual. Any student so suspended will be provided with notice and an opportunity to challenge this action immediately following the removal.

The University may, in its discretion and consistent with applicable policies, procedures, and/or agreements, place an employee Respondent on administrative leave pending the outcome of a resolution process.

## **Court Orders of Protection**

There are different types of protection orders available through the court system:

*Criminal no-contact orders* are available as part of a criminal proceeding for domestic abuse, harassment, stalking, sexual abuse, or assault. These orders are requested by the Polk County Attorney's Office, are granted by a judge in the course of criminal proceedings and can be enforced through local law enforcement.

There is a separate process for obtaining a *civil protective order*, which are available in cases of domestic abuse or sexual assault even if there are no criminal charges. Civil protective orders are issued through the local courts by completing an application, available in the Polk County Clerk of Court's room. Like a criminal no-contact order, these orders are granted by a judge and can be enforced through local law enforcement.

The University will assist parties in developing plans to reasonably prevent violations of both criminal no-contact orders and civil protective orders. If an individual obtains an order of protection from a

court in Iowa, that individual should provide the Title IX Department and/or Drake Public Safety with a copy of the order of protection so that the University is aware of any limitations or restrictions. Parties to an order of protection are encouraged to schedule a meeting with Drake Public Safety to develop a plan to abide by the court order. This plan may include, for example: escorts, special parking arrangements, changing classroom location, allowing a student to complete assignments from home, etc. The University cannot enforce a violation of a court order but can assist an individual in contacting law enforcement to report a violation. If any terms of a court order are unclear in their application to the campus environment, it is up to the parties to seek clarification through the court – the University cannot render a legal opinion or give advice other than to develop a plan to reasonably prevent violations of the order.

## **Amnesty Regarding Student Discipline for Use of Alcohol or Drugs**

Students are strongly encouraged to report incidents of, or share information about, sexual harassment as soon as possible. This is true even if a student may have concerns about their own alcohol or drug use. Accordingly, consistent with the Code of Student Conduct, the University will not pursue student disciplinary action for improper personal use of alcohol or other drugs against a person who reports or makes a formal complaint in good faith concerning an incident of sexual harassment, or who participates in good faith as a witness or Respondent in an investigation of sexual harassment. The University may, on its own, determine that amnesty applies to a situation based on the facts that are presented by the parties or witnesses. Parties or witnesses may inquire with the Title IX Coordinator or the Dean of Students regarding amnesty.

## **Preserving Information and Evidence**

Individuals should attempt to preserve any information or evidence relating to alleged sexual harassment, including physical, written, or electronic information. Preserving evidence may be useful for participating in a criminal or University complaint or for obtaining protection orders.

In addition to preserving any physical evidence such as clothing or bedding, individuals are encouraged to save, for example, text messages, instant messages, social networking pages, and other communications, and to keep pictures, logs, and any other relevant documents. Individuals may also want to write down all the details they can recall about the incident. Additional information on preserving physical evidence can be found on the Title IX webpage at [www.drake.edu/titleix](http://www.drake.edu/titleix).

## **II. Informal or Formal Complaint Resolution**

Reports of sexual harassment to the University may, depending upon the individual circumstances of the individual report or formal complaint, be handled as follows:

- The University provides the Complainant with assistance and support only, based on the Complainant's request that the University not take action, where that request is not clearly unreasonable;
- The University determines that the circumstances of the report or formal complaint satisfy the jurisdictional requirements established by federal regulations governing the University's response to sexual harassment under Title IX and must be resolved under the University's Formal Title IX Resolution Process; or
- The University determines that the circumstances of the report or formal complaint do not satisfy

the jurisdictional requirements established by federal regulations governing the University's response to sexual harassment under Title IX and dismisses the complaint, but may engage in informal or formal resolution procedures as applicable.

Based on the information shared, the University will take steps that are aimed at stopping the behavior and preventing a recurrence. The Title IX Coordinator will oversee all complaint resolution processes and may, depending on the particular circumstances involved in a specific complaint, coordinate with other University departments to provide support and otherwise assist in the resolution of complaints including:

#### **Dean of Students Office**

- When the Respondent is a Drake student, or
- When the Complainant is a Drake student and the Respondent is a third party

#### **Human Resources Department**

- When the Respondent is a Drake employee, or
- When the Complainant is a Drake employee and the Respondent is a third party

#### **Provost**

- When the Respondent is a Drake faculty member, or
- When the Complainant is a Drake faculty member and the Respondent is a third party

Communications throughout a resolution process will generally occur through University e-mail accounts unless other arrangements or accommodations have been made. The Title IX Coordinator will communicate with the Complainant and Respondent to provide updates throughout the process. In addition, at any time a Complainant or Respondent may contact the Title IX Coordinator with questions about the status of their case.

In all cases, the University will conduct a prompt and equitable investigation of allegations of sexual harassment. However, the University may, as appropriate, alter or extend time frames stated in this Policy and procedures for good cause, with written notice to the parties. The time it takes to complete the resolution of a sexual harassment complaint may vary based on the complexity of the investigation and the severity and extent of the alleged conduct, as well as on whether there is a parallel criminal investigation, or if school breaks occur during the process. The University will consider reasonable requests from the parties to extend timelines or deadlines if necessary; however, if an extension is granted it will be granted equally to all parties.

## **A. Formal Title IX Resolution Process Established by Federal Regulations Governing the University's Response to Sexual Harassment Under Title IX**

### **1. Scope Requirements of the Formal Title IX Resolution Process Established by Federal Regulations Governing the University's Response to Sexual Harassment Under Title IX**

The University's Formal Title IX Resolution Process will apply to reports and formal complaints of sexual harassment only where the following jurisdictional/scope requirements, as set out in federal regulations governing the University's response to sexual harassment under Title IX, are present:

**a.) The conduct alleged within the report or formal complaint constitutes “sexual harassment,” defined as:**

1.) Unwelcome behavior of a sexual nature or that is directed at someone based on their sex when:

Submission to, or rejection of, such conduct is made explicitly or implicitly a term or condition of an aid, benefit, or service of the individual’s education, employment or status in a course, program or activity; and/or

- Such conduct is sufficiently severe, pervasive, and objectively offensive (intimidating, hostile, and/or abusive) that it effectively denies an individual’s access to work or education program or activity.

2.) Sexual assault, defined as any sexual act directed against another person, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent including:

- Rape: the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person without consent of the Complainant;
- Fondling: the touching of the private body parts of another person for the purpose of sexual gratification without consent of the Complainant including instances where the Complainant is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity;
- Incest: sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; or
- Statutory rape: sexual intercourse with a person who is under the statutory age of consent.

3.) Dating violence, which is violence committed by a person who is or has been in a social relationship of a romantic, sexual, or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For purposes of this definition dating violence includes, but is not limited to, sexual or physical abuse or threat of such abuse and does not include acts covered under the definition of domestic violence.

4.) Domestic violence, which is a felony or misdemeanor crime of violence committed by a:

- Current or former spouse or intimate partner of the Complainant;
- Person with whom the Complainant shares a child in common;
- Person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner;
- Person similarly situated to a spouse of the Complainant under the laws of the State of Iowa or the jurisdiction in which the incident reported occurred; and
- Any other person against an adult or youth Complainant who is protected from that person’s act under the laws of the State of Iowa or the jurisdiction in which the incident reported occurred.

5.) Stalking, which is engaging in a course of conduct directed toward a specific person that would

cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress. For purposes of this definition:

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

**b.) The conduct within the report or formal complaint occurred within the context of a University education program or activity:**

An education program or activity includes locations, events and circumstances in which the University exercises substantial control over both the Respondent and the context in which the sexual harassment alleged in the complaint occurred. For purposes of this Policy, this specifically includes any building owned/controlled by an officially recognized student organization of the University (e.g., fraternities and sororities).

At the time of the filing a formal complaint, the Complainant must be participating or attempting to participate in a University education program or activity.

**c.) The conduct within the report or formal complaint must occur within the United States**

Alleged sexual harassment which occurs on University-sponsored or facilitated study abroad trips or programs can still be reported for adjudication under a different University conduct code or policy, but do not fall under the scope/jurisdiction of the Formal Title IX Resolution Process.

**2. The University's Formal Title IX Resolution Process Procedural Requirements for Formal Complaints under Established by Federal Regulations Governing the University's Response to Sexual Harassment Under Title IX**

These requirements will only apply to sexual harassment complaints that satisfy the scope/jurisdictional requirements of the Formal Title IX Resolution Process, as established by federal regulations governing the University's response to sexual harassment under Title IX.

**a.) Dismissal and Consolidation of Formal Complaints**

If, at any point of the resolution process, it becomes apparent that the allegations contained within a report or formal complaint of sexual harassment, even if true, would not meet the scope/jurisdictional requirements for Formal Title IX Resolution Processes as set forth above, the University will dismiss the complaint for purposes of processing under the University's Title IX Formal Resolution Process, but may proceed under a different policy or process for adjudication as the circumstances warrant.

Additionally, the University may, in its sole discretion, elect to dismiss any formal complaint of sexual harassment under the following circumstances:

- The Complainant requests, in writing, the withdrawal of the formal complaint,
- The Respondent is no longer employed or enrolled as a student at the institution, or
- Specific circumstances prevent the University from gathering evidence sufficient to reach a determination or satisfy its own burden of proof in investigating and adjudicating a formal complaint of sexual or interpersonal misconduct.

If the University elects to dismiss a formal complaint, all parties will be notified in writing of the decision, and will be given the opportunity to appeal the decision.

The University may choose, at its sole discretion, to consolidate formal complaints where more than one Complainant and/or more than one Respondent is involved so long as the allegations of sexual harassment arise out of the same facts/circumstances. In such cases, the University may also choose to issue a single investigation report.

### **b.) Initiating a Formal Complaint**

When the University learns of potential sexual harassment, in most cases outreach to the Complainant will be made to identify reporting options (as described in Section I of this Policy) and to offer supportive measures. The Title IX Coordinator is available to meet to discuss those reporting options with the Complainant or to answer questions from the Respondent.

A Complainant who proceeds with a formal complaint must do so in writing, and by filing a complaint with the Title IX Coordinator by hard copy, email, or any other writing evidencing a physical or digital signature, or otherwise verifying the Complainant is filing the complaint. If the Title IX Coordinator signs a formal complaint, the Title IX Coordinator will not become a party or Complainant for purposes of the processes below.

The Title IX Coordinator will only initiate a formal complaint against the wishes of the Complainant where doing so is not clearly unreasonable based on known circumstances, based on the potential impact to the College community if the allegations were true.

### **c.) Notice of Investigation**

Upon the filing of a formal complaint, the Title IX Coordinator or designee will provide a written Notice of Investigation simultaneously to both parties notifying the parties of:

- the identities of the parties involved in the incident;
- the conduct alleged;
- the date and location of the incident;
- Respondent's entitlement to a presumption of innocence;
- The parties' rights to have an Advisor of their choice at the party's expense, who may be an attorney; and
- The parties' rights to review and comment on investigative evidence.

The written notice of investigation shall notify the parties that making false statements or knowingly submitting false information during the grievance process is prohibited by the University and may constitute an independent basis for disciplinary sanctions against any student or employee, up to and including suspension or expulsion of a student or termination of an employee's employment. The Notice will also include, if available, the name of the investigator(s) and a copy or link to any



applicable Policy.

The Notice shall be provided prior to the initial interview of any party, and within a sufficient amount of time to allow the party to prepare.

If, during the course of investigation, the University determines that additional allegations will be investigated as part of the pending complaint, the Title IX Coordinator or designee will provide written notice of the additional allegations to any identified Complainant(s) or Respondent(s).

Parties will be provided written notice of the date, time, location, participants, and purpose of any interview, hearing, or meeting with sufficient time for the party to prepare.

#### **d.) The Investigation**

The University will select an investigator or investigators who have received annual training relating to investigating campus matters of sexual harassment and conducting a prompt, equitable, and fair investigation. The investigation team may be composed of internal University employees, external professionals, or a combination of both.

Any Complainant or Respondent may request in writing that an investigator be recused because of an identified conflict of interest. The Title IX Coordinator will determine if a conflict exists.

The burden of proof and the burden of gathering sufficient evidence to reach a determination of responsibility rests with the University and not with the parties. The investigation may include, but is not limited to, interviews with the Complainant, the Respondent, any witnesses identified by the parties or by the investigator as having information relevant to the complaint, and collecting and reviewing any relevant documents, communications, or physical evidence if possible.

- The investigator(s) will interview the Complainant and Respondents separately. Each party will be asked to participate in an initial interview and may be asked to participate in a follow-up interview(s) as needed.
- Each party may offer witnesses and other information, documents or other evidence relevant to the complaint, both inculpatory and exculpatory. Information, documents or other evidence provided by the parties and witnesses may be shared with both parties during the investigation.
- The order of the interviews will be determined by the investigator(s) based on the circumstances of each complaint.
- The investigator(s) will make a good faith effort to contact and interview relevant witnesses.
- The investigator(s) may make an audio recording of the interviews, which would be used internally for purposes of the investigation and would not be shared with the parties.
- In the event Complainant or Respondent request reasonable accommodations during the investigation process due to a disability, the investigator(s) will consult with the Title IX Coordinator.

No party will be restricted in their ability to discuss the allegations or to gather and present relevant evidence; provided, however, that such communications shall not constitute harassment of, or retaliation against, any party.

The Investigator will evaluate all relevant evidence, both inculpatory and exculpatory. The Investigator will only access, consider, disclose, or otherwise use a party's treatment records made or

maintained by a health care provider, or other records protected under a legally recognized privilege, if the party provides the Investigator with voluntary, written consent to do so.

### **e.) Inspection and Review of Evidence Directly Related to Allegations and the Investigation Report**

Complainant and Respondent and, unless directed otherwise by the respective parties, their Advisor(s), will be provided the opportunity to inspect all evidence directly related to the allegations of the formal complaint, including both inculpatory and exculpatory evidence, and evidence that the University does not intend to rely on in reaching a determination. This evidence will not include privileged medical information (unless the institution has the voluntary, written consent of the party concerned to use that information in the investigation) and prior sexual history (with the limited exception of evidence offered to prove someone other than the Respondent committed the alleged misconduct or evidence of prior sexual behavior between the parties offered to prove consent). The University may require both parties and their Advisors to enter into a written agreement prohibiting the use or dissemination of evidence for any purpose other than those directly related to the parties' participation in the Title IX Formal Resolution Process.

Complainant and Respondent will be given at least ten days to inspect and review the evidence collected during the University's investigation and to submit a written response which the Investigator will consider in preparing a final investigation report. The final investigation report will summarize the information and include any documents gathered. The investigation report will not include determination of responsibility with regards to the complaint.

Additionally, Complainant and Respondent will be given at least an additional ten days after receiving a copy of the University's final investigation report to respond to the investigation report, in writing. In their written response to the investigation report, Complainant and Respondent may provide written comments regarding the relevance of the evidence included in or excluded from the investigation report, provide factual or other corrections to the report and otherwise provide context for the report.

The final investigation report will be distributed, concurrently, to all of the parties to the complaint and the decision-maker(s) by the Title IX Coordinator at least ten (10) calendar days prior to a hearing to assist the decision-maker(s) in determining responsibility with regards to the complaint.

### **f.) Live Hearings and Cross-Examination**

For purposes of adjudication of all formal complaints of sexual harassment under the University's Formal Title IX Resolution Process, regardless of the identity of the parties involved, the University will conduct a live pre-determination hearing prior to the issuance of a written decision report in accordance with the procedures outlined in the University's Student Code of Conduct, Faculty Manual, or other policy or procedure, except to the extent that those procedures conflict with the following live hearing and cross-examination requirements, which will apply to all formal hearings held under the University's Formal Title IX Resolution Process:

- At the University's discretion, or at the request of any party, the entire hearing may be conducted with the parties in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the witness answering questions;
- The University will record and/or create a transcript of all live hearings and will make that recording and/or transcript available to all parties for inspection or review;
- The University will make all evidence subject to inspection by all parties available at any hearing

and will give each party equal opportunity to refer to that evidence at the hearing, including as part of cross-examination;

- Parties will be allowed, through their Advisors, to cross-examine all other parties and any witnesses, including fact and expert witnesses, and to ask all relevant questions and follow-up questions including those challenging party or witness credibility, at a live hearing conducted directly, orally and in-real time. Any party without an Advisor will be appointed an Advisor by the University, with selection of the Advisor being at the sole discretion of the University;
- All procedural questions, including the decision to accept evidence and/or statements, will be made by the decision-maker(s), in their sole discretion;
- Only relevant questions may be asked of a party or witness. Before a party or witness answers a question the decision-maker(s) will articulate whether the question is relevant and will explain the decision to exclude any question as irrelevant. Questions about prior sexual history will generally be deemed irrelevant with limited exceptions. The University will not allow the exclusion of any relevant evidence and the decision-maker(s) will consider all relevant evidence and will not consider irrelevant evidence;
- The University will not allow decision-maker(s) to rely on any statements made by a party or witness in reaching his or her determination if that party or witness does not submit to cross-examination during a live hearing; and
- The decision-maker(s) will not draw an inference about responsibility based solely on a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.

#### **g.) Standard of Proof**

The determination of whether or not sexual harassment occurred will be made on the basis of whether it is more likely than not that the Respondent violated this Policy. This standard is more formally referred to as the "preponderance of evidence" standard. In making its determination, the decision-maker(s) will carefully consider all of the evidence presented and follow the procedures stated in this Policy and any other applicable policies, procedures, rules, or handbook provisions in order to ensure as fair a hearing as possible for all parties.

#### **h.) Written Decisions**

The University decision-maker(s) will independently evaluate the evidence gathered. Written decisions will be provided simultaneously to the parties and will include the following information:

1. allegations of sexual harassment,
2. procedural history (including specifics about notifications of hearings, meetings and interviews, methods used to gather evidence and hearings held),
3. findings of fact supporting the decision,
4. conclusions regarding application of this Policy and/or relevant Codes of Conduct to the facts,
5. rationale for the decision/finding of responsibility as it applies to each allegation,
6. disciplinary sanctions imposed on Respondent, if any,
7. whether (but not the nature of) remedies and/or supportive measures designed to restore/preserve equal access to any or all education programs or activities will be provided to the Complainant, and
8. procedure and permissible bases for appeal.

Decisions, including the imposition of any sanctions, will become final upon written notification to the parties of the outcome of an appeal or, if there is no appeal, the date on which an appeal would no

longer be considered timely.

The Title IX Coordinator will be responsible for coordinating the effective implementation of remedies, as well as any non-punitive or non-disciplinary supportive measures imposed.

In addition, the University will, upon written request, 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 nonforcible 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 the crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

### **i.) Appeals**

All formal complaints of sexual harassment adjudicated under the University's Formal Title IX Resolution Process are subject to appeal by both Complainant and Respondent. All parties have an equal right to appeal any final decision on the following bases so long as the bases of the appeal is significant enough to be reasonably expected to affect the outcome of the decision:

- A procedural irregularity within the investigation or adjudication process;
- New evidence not reasonably available when determination of responsibility was made;
- A conflict of interest or the bias of the Title IX Coordinator, investigator or a decision-maker.

A party may also appeal based on the severity of sanctions imposed, if any, and specifically regarding whether the sanction is proportional and/or sufficiently remedial for the policy violation found.

The University will notify all parties upon receipt of an appeal by any party alleging one of the bases for appeal above. Both parties will be given an opportunity to submit a written statement in support of, or challenging, the written determination. Written statements must be submitted to the Title IX Coordinator within five (5) business days.

The original decision-maker(s) will determine if the decision and/or sanctions imposed will be stayed pending the outcome of the appellate decision. Except as required to explain the basis of new information, an appeal will be limited to a review of the verbatim record of the hearing and supporting documents.

The decision-maker(s) for the appeal may affirm, reverse, or modify the decision regarding the violation and/or sanctions imposed. A written decision will be issued simultaneously to the parties describing the result of the appeal and the rationale therefor. The written appeal decision is the final decision of the University, and no further appeals are permitted under this Policy.

### **j.) Sanctions, Discipline, and Supportive Measures**

University sanctions or discipline may be imposed upon those determined to have engaged in sexual harassment. If an investigation reveals that sexual harassment has occurred, the University will take actions reasonably calculated to end the harassment, eliminate any hostile environment, prevent reoccurrence, and remedy any effects of the behavior. Sanctions or discipline issued will depend on the circumstances of each case and the weight of the evidence, will be proportionate to the behavior involved, and are imposed at the discretion of the decision-maker(s).

For complaints against students, the [\*Code of Student Conduct\*](#) identifies the sanctions that are available, which include expulsion, suspension, non-academic probation, removal from University owned housing, mandatory counseling, revocation of privileges, restitution, fines, educational or work assignments, forfeiture or withholding of academic degrees or honors, or University reprimand.

For complaints against employees, discipline could range from counseling and reprimands to suspension or termination from employment, consistent with the governing employment manual or handbook, where applicable.

For complaints involving third parties, the University may not have authority to impose discipline, but the University can take steps aimed at stopping the behavior and preventing its recurrence on campus or through University programs or activities.

Regardless of whether discipline is issued in a particular case, the University may continue or impose non-disciplinary supportive measures to promote the health, well-being, and physical safety of any party if requested. An individual's failure to comply with restrictions imposed by supportive measures or through sanctions is a separate act of misconduct which may be a basis for disciplinary action, up to and including separation from the University.

#### **k.) Training**

Investigators, adjudicators and other personnel involved in the process of investigating, responding, coordinating or otherwise assisting in the adjudication of complaints of sexual harassment will receive annual training as required on the topics of 1) impartiality, 2) avoiding prejudgment of facts at issue, 3) conflicts of interest and bias, 4) the University's grievance process, 5) issues of relevance and evidence, 6) the scope of the University's educational programs and activities, and 7) types of sexual harassment.

University investigators will also be trained in writing investigation reports and decision-makers will be trained in conducting hearings, writing decisions and the technology used in hearings. The training materials used to perform these trainings will be published on the University's website at [www.drake.edu/titleix](http://www.drake.edu/titleix) and will ensure that relevant personnel are trained on issues related to sexual harassment and are taught how to conduct an investigation and hearing process that protects the rights, well-being, and safety of the parties, provides an equitable process for all parties involved, and promotes accountability.

### **3. University Investigation and Adjudication Processes Outside the Scope/Jurisdiction of Title IX**

Reports and formal complaints of sexual harassment which fail to satisfy the jurisdictional requirements established by federal regulations governing the University's response to sexual harassment under Title IX as required to be adjudicated under the University's Formal Title IX Resolution process will be investigated and adjudicated as follows, and includes sexual harassment meeting the definition in Section II(A)(1)(a) of this Policy, as well as the following additional form of sexual harassment under the Title VII, the Iowa Civil Rights Act, and other applicable law:

Unwelcome behavior of a sexual nature or that is directed at someone because of their sex when such conduct is sufficiently severe, persistent, or pervasive that it has the purpose or effect

of unreasonably interfering with or limiting an individual's work or education so as to create an intimidating, hostile, or offensive environment for work or learning or participating in a University program or activity.

### **a.) Informal Resolution**

The University has an obligation to eliminate misconduct and also to reasonably prevent a recurrence; even so, in many cases there may be different ways to satisfy that obligation, which may not always include a formal disciplinary process. **In matters that fall outside of the scope of the University's Formal Title IX Resolution Process, the Title IX Coordinator and/or any of the parties may request an informal resolution.** In those instances when the University's Formal Title IX Resolution Process does not apply, the Title IX Coordinator will attempt to balance the parties' desire to informally resolve the matter with the obligation to provide a safe, non-discriminatory environment for all students and employees. Informal resolutions may include education, structured communication, or other corrective action aimed at preventing a recurrence of the behavior. Formal sanctions or discipline may not be available through these informal resolution processes.

In considering a request for an informal resolution where applicable, the University will weigh the individual's request and preferences against factors such as how much detail has been shared about the conduct; the severity of the conduct and whether there have been other complaints against the same Respondent that increase the risk to the campus community or whether this is a first-time complaint; whether the reported incident involved threatened future violence or use of force or a weapon; whether an incident involved multiple people reported to have engaged in the misconduct; whether an incident involved alcohol, drugs, or any date rape drug; FERPA privacy consideration; or whether the University has other methods for obtaining relevant evidence or satisfactory outcomes. Based on this assessment, the University will decide whether it can reach a reasonable resolution or whether it must move forward with some action to investigate and/or adjudicate a policy violation.

If the University determines that it can proceed with some type of informal resolution, the University will take all reasonable steps to end the misconduct that can be taken consistent with such request. The University would not require any party to participate in an informal resolution in lieu of a formal complaint resolution if the formal process is their preference. Finally, because there may not be formal disciplinary action as part of the informal process, it may be possible for an individual to later choose to file a formal complaint after attempting an informal resolution.

There may be times when the University is not able to facilitate an informal resolution and still provide a safe, non-discriminatory environment for all students and employees. If the University decides that some formal action is required, the University will notify the parties regarding the actions to be taken.

As in any complaint, a party to an informal resolution may be provided or request support services such as counseling, disability services, a change in living or academic/work arrangements, and increased monitoring, supervision or security at locations and activities where the harassment occurred.

### **b.) Formal Resolution**

If a report or complaint is filed which alleges sexual harassment which is outside the scope of the University's Formal Title IX Resolution Process and is dismissed, the Title IX Coordinator will refer the

complaint as appropriate for adjudication under another policy or process, as long as doing so does not interfere with any right or privilege provided to a party under Title IX.

The formal resolution process for complaints will generally include an investigation, a decision regarding whether the investigation establishes a violation, whether disciplinary action will be recommended and, if so, the manner in which such disciplinary action will be imposed under the applicable University policy. When considering complaints of sexual harassment, the University will base its decision on the preponderance of the evidence standard (i.e., whether the decision maker can determine it is more likely than not that a policy violation can be established).

In the event a student or employee withdraws, resigns, or otherwise leaves the University, the University may decide to continue the investigation and adjudication process to the extent that it is able – whenever reasonably possible, the student or employee will be invited to participate even though they are no longer a part of the University.

**Faculty and Staff:** For complaints against faculty or staff, after review of the relevant facts and circumstances surrounding the complaint, the appropriate Administrator (generally the Dean/Vice President/designee of the Respondent’s college or department or the Provost) and Human Resources will conduct an investigation and notify the parties whether the investigation established a policy violation or other misconduct. Disciplinary Action against Faculty: For complaints against any member of the faculty, the University will follow the procedures outlined in [Faculty Manual Section 4.10, Faculty Conduct, Corrective Action, and Discipline](#).

Disciplinary Action against Staff: If the University finds a staff member responsible for a policy violation or misconduct, any discipline will be consistent with any applicable collective bargaining agreement and University policies and will be carried out through the School, College, or Department and Human Resources. According to the At-Will Employment Policy: “Staff employment at Drake University is considered ‘at-will’ meaning that you and the University may end your employment at any time, with or without cause. One exception to this may be an employee who has signed an employment contract with the University.”

**Students:** The [Code of Student Conduct](#) sets forth the formal disciplinary process for complaints against students.

**However, to** the extent the report or complaint against a student or employee alleges dating violence, domestic violence, or sexual assault which fall outside the scope of the University’s Formal Title IX Resolution Process (e.g., the alleged conduct occurred outside the United States or without substantial control over the Respondent and the context in which the conduct occurred), the College shall provide the following procedural rights to the parties in the applicable adjudication process:

1. The parties will each have the opportunity to participate in the investigatory and disciplinary process which is overseen by individuals trained annually on sexual assault, dating violence, domestic violence, and stalking;
2. The parties will each have the opportunity to be advised by a personal Advisor of their choice, at their expense, at any stage of the process and to be accompanied by that Advisor at any meeting or hearing. An Advisor may only consult and advise his or her advisee, but not speak for the advisee at any meeting or hearing, except as expressly provided for in applicable procedures;

3. Decisions will be based on the preponderance of evidence standard. In other words, the investigator or adjudicator will determine if it is more likely than not that the Respondent violated the applicable policy;
4. The parties will be notified simultaneously in writing of the outcome of any disciplinary proceeding, as well as any changes to those results or disciplinary actions prior to the time that such results become final; and
5. If there is a right to appeal, the right is granted co-equally to all the parties and the right will be explained in the applicable procedures. The parties will be notified simultaneously in writing of the final outcome of an appeal, if applicable.

University sanctions for such misconduct could include the range of sanctions previously discussed within this Policy.

### III. Prevention and Awareness

Drake University prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking, as those terms are defined in the Clery Act.

As part of its commitment to the prevention of sexual harassment, the University offers education and awareness programs. Incoming students and new faculty and staff receive prevention and awareness programming. The University makes continued education and related programs available on an ongoing basis for all students and faculty and staff. For an overview of the University's prevention and awareness programs and for specific programs and initiatives taking place on campus including bystander intervention, see the University's Violence Prevention and Programming website at [drake.edu/violence-prevention/](http://drake.edu/violence-prevention/).

#### Prevention, Protective Factors and Risk Reduction

It is important to note that no victim is ever to blame for being assaulted, harassed, or abused. There are ways in which both our community and we as individuals can play a role in the prevention of sexual or interpersonal misconduct. Below are some tips to reduce risk, recognize warning signs of abusive and harassing behaviors, learn to help, and to develop important protective factors for self-empowerment.

#### Warning Signs

Sexual and interpersonal misconduct, such as domestic and dating abuse, often escalates from threats and verbal abuse to physical violence. It is important to know that everyone deserves a healthy relationship filled with equal dynamics. Some warning signs (also known as 'red flags') include:

- Being afraid of a partner.
- Constantly watching what is said to avoid a "blow up."
- Feelings of low self-worth and helplessness about a relationship.
- Feeling isolated from family or friends because of a relationship.
- Hiding bruises or other injuries from family or friends.
- Being prevented from working, studying, going home, and/or using technology (including a cell phone.)
- Being monitored by a partner at home, work, or school.
- Being forced to do things a person doesn't want to do.



- “Forced Teaming”- establishing premature rapport with someone in order to break down the social and/or an individual’s boundaries; usually shown by the usage of the term “we” but it is not about partnership building or coincidence.
- “Typecasting”- when someone is critical of demeanor or personality whether that point is true or not, this perpetrator chooses to criticize a person as a manipulative tool to anger a person into submission; this insult is usually easy to refute.
- Discounting the Word “No”- this perpetrator feels like actions are more credible than words and chooses not to hear remarks as a sign of their control over the situation; they will not relinquish until it is negotiated; they undervalue a person’s autonomy.

## **Stalking Behaviors**

Anyone can be stalked by someone known casually, a stranger, a friend, or a past or present partner. Stalking is a crime and can be dangerous. If the following behaviors become pervasive and/or give a person fear for personal safety, the person may be the target of stalking:

- Repeatedly calling a person, including hang-ups.
- Follow a person and show up wherever a person may be.
- Send unwanted gifts, letters, cards, or emails.
- Damage a person’s place of residence, car, or other property.
- Monitors a person’s computer or phone usage.
- Uses technology, like hidden cameras or global positioning systems (GPS), to track where a person may go.
- Drive by or hang out at a person’s place of residence, school, or work.
- Threatening to hurt a person, a person’s friends/family.
- Finding out about a person by using public records, social media/online search services, going through a person’s garbage, contacting friends, family, co-workers, etc.
- Other actions that control, track, or frighten a person or cause a person emotional distress.

## **Other Ways to Be Empowered**

- Get help by contacting the Counseling Center or Health Center for support services.
- Learn the “red flags” in relationships so a person can live free from violence or help others to do so.
- Consider making a report with law enforcement and/or one of the individuals identified above to whom reports should be made.
- Consider getting a protective order or no-contact order, where applicable.
- Learn more about what behaviors constitute sexual and interpersonal misconduct, understand it is not a survivor’s fault, and talk with friends and family members about ways a survivor can be supported.
- Trust your instincts—if something doesn’t feel right in a relationship, speak up or end it.
- Respect everyone’s right to make their own decision about sex-including yourself!
- Be straightforward and talk about sex beforehand so both partners know what to expect; express personal boundaries if one feels pressured to engage in a sex act
- Obtain consent each time and remember a non “NO” doesn’t equal “YES” and consent cannot be given if incapacitated.
- If a person becomes intoxicated, seek help from a friend; agree that no one will be left alone without telling them and assuring them feel safe.

## **Sexual Assault Safety Tips & Risk Reduction (Amended from RAINN)**

- Be aware of rape drugs
- Try not to leave drinks unattended
- Only drink from un-opened containers or from drinks that were watched being made and poured
- Be cautious of group drinks like punch bowls
- Cover drinks. It is easy to slip in a small pill even while are holding drinks. Hold a cup with hands over the top, or choose drinks that are contained in a bottle and keep thumbs over the nozzle
- If a person feels extremely tired or drunk for no apparent reason, he/she may have been drugged. Find friends and ask them to leave with the person as soon as possible
- If an individual suspects having been drugged, go to a hospital, and ask to be tested
- Keep track of how many drinks have been consumed
- Try to arrive and leave with a group of trustworthy people
- Avoid giving out personal information (phone number, addresses, etc.). If someone asks for a number, take his/her number instead of giving it out.

## **General Campus Safety Tips**

- Make sure cell phones are easily accessible and fully charged
- Be familiar with where emergency phones are installed on the campus
- Be aware of open buildings where phones are easily accessible
- Take major, public paths rather than less populated shortcuts
- Avoid dimly lit places and talk to campus services if lights need to be installed in an area
- Avoid putting music headphones in both ears so that a person can be more aware of surroundings, especially if walking alone
- Walking back from the library late at night can be unavoidable, try to walk with a friend
- If walking feels unsafe, try calling campus Public Safety by dialing 515-271-2222 from a campus phone

## **Bystander Intervention**

A bystander is someone other than the victim who is present when an act of Sexual or Interpersonal Misconduct is occurring or when a situation is occurring in which a reasonable person feels as though some protective action is required to prevent Sexual or Interpersonal Misconduct. Bystanders, if active, can prevent harm or intervene before a situation may escalate. It is important to note that there are two types of interventions: direct and indirect, and both are equally effective. We encourage a person to intervene in the manner in which suits an individual's personality, comfort level and personal safety in the situation. Examples of active bystander intervention include: not leaving an overly intoxicated person in a bar/party alone, walking a classmate to his/her car after class, calling police when a potentially violent situation is unfolding, not leaving an unconscious person alone (alerting an RA, EMS, Campus Public Safety, etc.), or intervening when someone is being belittled, degraded or emotionally abused (walking victim away from abuser, or asking if they are ok, contacting others for help, contacting authorities like Campus Public Safety, Student Counseling Center, RA, Dean of Students, etc.).

Five Steps toward Taking Action:

1. Notice the event along a continuum of actions

2. Consider whether the situation demands action
3. Decide if a person has a responsibility to act
4. Choose what form of assistance to use
5. Understand how to implement the choice safely

On campus, the bystander intervention program utilized is *Mentors in Violence Prevention (MVP)*. The MVP Training Program motivates students to play a central role in preventing Sexual or Interpersonal Misconduct through scenario building sessions & active bystander skills development. These mini-session training programs are being conducted on Drake's campus by student-led certified trainers and can be customized to any length and topic to fit group dynamics. To request a presentation, email the team at: [drakemvpteam@gmail.com](mailto:drakemvpteam@gmail.com).

## Other Prevention Programs that Drake Offers Include

**EVEFI Sexual Assault Prevention:** All incoming first-years, transfer students and graduate students are mandated to complete the EVERFI on-line Sexual Assault Prevention course.

Prevention Ambassadors is a group of student leaders who facilitate discussions about social norms and bystander interventions related to harassment, sexual assault, dating/domestic violence, bullying, microaggressions and other forms of gender violence. Members of the group present during Welcome Week, host informational tabling events and awareness activities. The group also partners with groups, organizations, and classes to provide educational opportunities.

- Classroom Presentations
- Residence Hall programming
- Club/Group Presentations

VIP (Violence Intervention Partner) is a group of trained and certified students that support anyone on campus who has experienced sexual assault, harassment, intimate partner violence, and/or stalking. VIP peer advocates are confidential and available 24/7 via a call and text hotline: 515-512-2972.

- Process events with someone who has been harmed
- Advise friends on how to support someone who has experienced harm
- Provide resources and/or accompaniment on and off campus

The HIRO program was created through a collaboration between Fraternity Sorority Life (FSL) and the Office of Prevention and Programs. The Health, Inclusion, and Relationship Officers (HROs) work to further conversations about gender-based violence, health and wellness and equity and inclusion. Each chapter has a Health and Safety Officer and an Equity and Inclusion Officer. These folks are responsible for facilitating or coordinating learning experiences on a variety of topics throughout the year. The program was piloted in the spring of 2017 and has continued to gain strength and morph into a very viable resource within the FSL community. Leadership from both the sororities and fraternities who have made this a priority.

Positive MENTality is a weekly group on campus committed to creating a safe environment for men at Drake to discuss ideas about masculinity, mental health, relationships, and a variety of other topics. The group is open to all gender identities with a focus on discussing healthy masculinity. Females are

welcome and encouraged to join the conversation. Our goal is to foster an environment where Drake men can expand and embrace the many definitions of what it means to be a man.

## **Prevention Programs 2022**

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

Drake University provides the following programs intended to educate our campus community on primary prevention, intervention, and outreach:

- The **Violence Intervention Partner (VIP)** assists Drake University students with confidential compassionate, informed sexual and dating violence response support 24 hours a day during in session school semesters (Fall/Spring). VIP's unique model as a student-run program provides VIP Drake student members an opportunity to obtain specialized professional credentials in the field of social services and develop a sense of personal growth and development through knowledge of social justice issues related to gender violence.
- The **Mentors in Violence Prevention (MVP) Training Program**, founded in 1993 by Sport in Society at Northeastern University, motivates student leaders to play a central role in solving problems through scenario building sessions around sexual and dating violence, homophobia, and sexual harassment. Participants learn to serve as role models working to prevent violence and confront abusive peers through skills development. In 2015, the team facilitated the second large-scale *Welcome Week* MVP session on 'consent' to all incoming first year students, five programs to Greek Life chapters, a SAGE and Greek Life conference, three Adams Academy presentations, and reached approximately one third of Drake's student population with bystander skills.
- The **Drake University Anti-Violence Coordinating Council (AVCC)** works to develop, support, and enhance creative prevention and effective intervention initiatives to reduce sexual and interpersonal violence on campus. AVCC functions include:
  - Act as a support mechanism for inventorying and supporting anti-violence initiatives across campus
  - Advocate on issues related to the prevention of gender violence in a variety of capacities and strive to institutionalize efforts
  - Review and suggest policies and/or protocols related to sexual and interpersonal violence response
  - Provide oversight and input on effective strategies of preventing sexual and interpersonal violence on campus
  - The Engaged Citizen Conference, Gender Violence: Analysis and Action, occurred was open to faculty, staff, students, and visitors.

### ***Ongoing Prevention and Awareness Campaigns***

The University has developed an annual educational campaign consisting of:

- Awareness campaigns that engage the campus community through speakers discussing sexual and/or interpersonal misconduct.

- Drake University’s adoption of Start by Believing, a national public awareness campaign designed to change the way individuals respond to sexual assault in their communities.

## **Jurisdictional Definitions:**

In addition to the University definitions of the offenses that constitute Sexual Harassment for reporting/complaints to the University, it may be helpful to know the definitions for Sexual Abuse, Domestic Abuse and Stalking that appear in the Iowa Code. These definitions are referred to as “jurisdictional definitions” and may assist a person in understanding rights and options for reporting these crimes to law enforcement if the crime is committed in Iowa.

Also included below are “Clery Definitions” for Domestic Violence, Dating Violence, Sexual Assault, and Stalking. These are the definitions the University uses for purposes of reporting these crimes in the University’s Annual Crime Report in compliance with the Clery Act Only aggregate, statistical reporting under the Clery Act is reported; no personally identifiable information is contained in the Annual Security Report.

## **Sexual Abuse**

The State of Iowa uses the term “Sexual Abuse” rather than “Sexual Assault”:

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.

(Iowa Code § 709.1)

## **Domestic Abuse**

The State of Iowa uses the term “*Domestic Abuse*” rather than “*Domestic Violence*.” The definition of domestic abuse incorporates the criminal code definition of an assault (also defined below) but further requires the assault to have involved family or household members as those terms are further defined by statute.

“*Domestic abuse*” means committing assault as defined in Iowa Code § 708.1 under any of the following circumstances:

1. The assault is between family or household members who resided together at the time of the assault.
2. The assault is between separated spouses or persons divorced from each other and not residing together at the time of the assault.
3. 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.
4. 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.
5. 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.

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.

(Iowa Code § 236.2).

*"Assault"* A person commits an assault when, without justification, the person does any of the following:

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.

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.

(Iowa Code § 708.1)

## **Dating Violence**

The Iowa Code does not provide a per se definition for Dating Violence; however, see subsection 5 of the jurisdictional definition for Domestic Abuse set forth above.

## **Stalking**

A person commits stalking when all the following occurs:

1. 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.
2. 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.

(Iowa Code § 708.11(2))

## **Consent**

The State of Iowa does not define consent.

## **Clery Definitions**

### **Domestic Violence**

Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of [Iowa] . . . , or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of [Iowa].

### **Dating Violence**

Violence committed by a person (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such a relationship will be determined based on a consideration of the following factors<sup>2</sup>:

1. The length of the relationship.
2. The type of relationship.
3. The frequency of interaction between the persons involved in the relationship.

### **Sexual Assault**

An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program.

### **Stalking**

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—(a) fear for his or her safety or the safety of others; or (b) suffer substantial emotional distress.

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<sup>2</sup> Clery guidance indicates this should be determined based on the reporting party's statement.

## Registered Sex Offender Policy

The Federal Campus Sex Crimes Prevention Act requires that colleges and universities advise their campus communities where they may obtain law enforcement agency information provided by a state concerning registered sex offenders. The Act also requires sex offenders already required to register in a state to provide notice, as required under state law, of each institution of higher education in that state at which the person is employed, carries on a vocation, volunteers services, or is a student.

A registry of sex offenders who have been determined to be of high or moderate likelihood to re-offend is maintained by the State of Iowa at: [www.iowasexoffenders.com](http://www.iowasexoffenders.com). For more specific information or to find out which offenders have indicated they attend or are employed by Drake, please contact the Des Moines Police Department at 515-237-1447 during regular business hours. \*

**\*WARNING:** The information on the Iowa Sex Offender website and the information available to the Des Moines Police Department may be inaccurate, out-of-date and/or incomplete.

## Missing Student Policy and Procedures

This is to give members of the Drake Community notice of steps Drake University will take if at any time while a person resides on campus it is determined that a person is a missing student. A student will typically be considered “missing” after twenty-four (24) hours; however, the University reserves the right to institute the steps set forth herein at an earlier point in time, depending on the circumstances.

If a member of the University community has reason to believe that a student who resides in on-campus housing is missing, he or she should immediately notify Drake Public Safety at 515-271-2222.

In addition to registering a general emergency contact, students residing in on-campus housing have the option to confidentially identify an individual to be contacted by an authorized campus official in the event the student is determined to be missing for more than 24 hours. The completed Confidential Contact designation forms are maintained by the Dean of Students Office.

Students should be advised that their contact information will be registered confidentially, and that this information will be accessible only to authorized campus officials and law enforcement and that it may not be disclosed outside of a missing person investigation.

In the event it is determined that a Drake University student who resides on campus is missing, Drake will notify the following not more than twenty-four (24) hours after that determination is made:

1. The student’s confidential contact will be informed; assuming a confidential contact has been appropriately designated and filed by the student.
2. The student’s parents will be informed; if the student is less than 18 years of age and not emancipated.
3. Local law enforcement will be informed.



## Missing Student Procedures

1. A missing student's report can be initiated by any person who has reason to believe a student may be missing. Any official missing student report must be referred immediately to Drake's Public Safety Department so the appropriate measures may be undertaken.
2. Public Safety will provide official notification of the missing person's report to the following University officials: President, Provost, and Dean of Students.
3. The student's confidential contact, if one is appropriately designated and filed, will be notified that a student is missing by the Dean of Students when: (a) a missing person's report has been filed and (b) the student has been determined to be missing.
4. The student's parents will be notified by the Dean of Students when: (a) the student is less than 18 years of age and not emancipated; (b) a missing person's report has been filed and (c) the student has been determined to be missing
5. Local law enforcement will be notified a student is missing when: (a) a missing person's report has been filed and (b) the student has been determined to be missing
6. A student will typically be considered "missing" after twenty-four hours; however, the University reserves the right to institute the steps described in the above procedures at an earlier point in time, depending on the circumstances.

After investigating a missing person report, if Drake Public Safety determines that the student has been missing for 24 hours, Public Safety will notify the Des Moines Police Department and the student's Confidential Contact. If the missing student is under the age of 18 and is not an emancipated individual, Drake will notify the student's parent or legal guardian.

## Additional Information

### Important Phone Numbers

Dean of Students Office	515-271-2835
Drake Counseling Center	515-271-3864
Drake Public Safety, Emergency	515-271-2222
Des Moines Police, Fire, Ambulance, Emergency	911
Des Moines Police, Non-Emergency	515-283-4811
Student Health Center	515-271-3731
Employee Assistance Program	515-244-6090

### Additional Services: United Way 211

United Way 211 is a 24-hour resource and referral service. If a person needs help or guidance dealing with anything from problems obtaining a passport to sexual assault or emotional troubles, United Way 211 will recommend an appropriate agency. United Way 211 can be reached at 515-246-6555.

## Victim Services

Victim Services is a Polk County service operating 24 hours a day and offers counseling and help to victims of sexual assault and other crimes. Counselors can advise victims on who to call and where to turn in a time of crisis. Victim Services can be reached at 515-286-3600. The after-hours phone number is 515-286-3535.

## In the Drake neighborhood: A Collaborative Approach

The Drake community extends beyond the borders of our campus into our neighborhood. We work closely with the Drake Neighborhood Association and city officials in a variety of ways, ranging from zoning to nuisance ordinances to neighborhood appearance.

The Community Engagement Advisory Council, consisting of Drake administration and neighborhood and community leaders, meets three times a year to advise and review Drake's anchor institution commitments. Such commitments are hyper-local programs and initiatives fulfilling the Drake inspiration statement that together we transform lives and strengthen communities.

## More information

For more information on student policies, the Student Handbook, and related issues, consult the Dean of Students website at [drake.edu/dos](https://drake.edu/dos). To obtain further information on security issues, parking, transportation, and escorting services, or to provide feedback to Drake Public Safety, visit the department website at [drake.edu/publicsafety](https://drake.edu/publicsafety) or call the dispatch center, which is staffed 24 hours a day, at 515-271-2222.

This report was created by Scott Law, Executive Director of Public Safety and University Operations. Questions about this specific report may be directed to Scott at 515-271-3860 or [scott.law@drake.edu](mailto:scott.law@drake.edu).

### **\*\*THIS IS NOT A CONTRACT\*\***

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# Crime Statistics: Calendar Year 2022

## Preparation of the Annual Crime Statistics

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from the following sources: Drake University's Public Safety Department, the Des Moines Police Department (DMPD), Drake University's Residence Life Staff, Drake University's Health Center (unless statistics would jeopardize counselor's confidentiality status), and Drake University's Human Resources Department. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year in which the crime was reported.

Requests for statistical information regarding Clery reportable crimes are made on an annual basis to all Campus Security Authorities, the Des Moines Police Department, and applicable law enforcement departments as required by the Clery Act. All the statistics are gathered and compiled with Drake Public Safety so the department can publish this Annual Security and Fire Safety Report.

Drake Public Safety submits the annual crime statistics published in this report to the Federal Department of Education as required by the Clery Act. The statistical information gathered by the Department of Education is available to the public through the Department of Education website.

Each year, when the Annual Security and Fire Report are ready to be published and posted, every enrolled student and current employee is notified of the availability of the report. Every prospective student and incoming employees are made aware of the report and is given information on how to obtain the report with the materials each person receives as the person goes through the process of coming to Drake.

As a final reminder, the statistics gathered for the Annual Security and Fire Report are for the ***previous calendar year, January 1st through December 31st***. This is required by federal law and makes the report compliant for the reported timeframe. The crime statistics for this year's report, covering last calendar year, are published below.

## Drake University Daily Crime Log

Drake University maintains a daily crime log at the public window of the Communication Center at the Department of Public Safety located at 1214 31st Street. Public Safety staffs the Communication Center 24 hours per day and the log is available for public inspection and review at any time.

The "Daily Crime Log" contains all crime reports for the past 60 days. Data included in the log is:

- The Date Reported
- Nature of the Crime
- Date and Time of the Crime
- The General Location of the Crime
- The Disposition of the Crime (if known)

Drake University may withhold information if there is clear and convincing evidence that the release of the information would jeopardize an ongoing criminal investigation or the safety of an individual; cause a suspect to flee or evade detection; or result in the destruction of evidence.

Drake University will provide information regarding crime log reports older than 60 days within two business days of the request.

Crime data and statistics gathered for the Annual Security Report will be maintained for 3 years.

<b>Offense</b>	<b>Year</b>	<b>On Campus</b>	<b>Non-campus</b>	<b>Public Property</b>	<b>Total</b>	<b>Residential Facilities*</b>	<b>Unfounded Crimes**</b>
Murder/Non Negligent Manslaughter	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
Negligent Manslaughter	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
Rape	2022	2	0	0	2	2	0
	2021	5	3	0	8	4	0
	2020	3	0	1	4	3	0
Fondling	2022	1	4	0	5	1	0
	2021	6	0	0	6	6	0
	2020	3	0	0	3	3	0
Incest	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
Satutory Rape	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
Robbery	2022	2	0	0	2	0	0
	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
Aggravated Assault	2022	1	2	0	3	1	0
	2021	0	0	0	0	0	0
	2020	0	2	2	2	0	0
Burgalry	2022	2	0	0	2	0	0
	2021	1	0	0	1	0	0
	2020	2	1	0	3	2	0
Motor Vehicle Theft	2022	6	2	0	8	0	0
	2021	2	0	0	2	0	0
	2020	1	2	1	3	0	0
Liquor Law Arrests	2022	1	1	0	2	0	0
	2021	2	0	0	2	0	0
	2020	0	0	0	0	0	0
Drug Law Arrests	2022	0	0	0	0	0	0
	2021	0	2	0	2	0	0
	2020	4	0	0	4	4	0
Weapons Law Arrests	2022	2	0	0	2	0	0
	2021	0	0	0	0	0	0
	2020	6	2	2	8	0	0
Liquor Law Violations Referrals	2022	63	9	0	72	62	0
	2021	111	6	2	119	110	0
	2020	13	1	1	14	13	0

Offense	Year	On Campus	Non-campus	Public Property	Total	Residential Facilities*	Unfounded Crimes**
Drug Law Violations Referrals	2022	16	2	0	18	16	0
	2021	17	1	0	18	17	0
	2020	9	0	0	9	3	0
Weapons Law Violations Referrals	2022	0	0	0	0	0	0
	2021	1	0	0	1	1	0
	2020	0	5	0	5	0	0

Offense (Not reported by hierarchy)	Year	On Campus	Non-campus	Public Property	Total	Residential Facilities*	Unfounded Crimes
Arson	2022	0	0	0	0	0	0
	2021	0	0	0	0	0	0
	2020	0	0	0	0	0	0
Domestic Violence *** (VAWA Crime)	2022	1	1	0	2	0	0
	2021	1	3	0	4	1	0
	2020	0	0	0	0	0	0
Dating Violence *** (VAWA Crime)	2022	2	1	0	3	2	0
	2021	1	0	0	1	0	0
	2020	0	0	0	0	0	0
Stalking *** (VAWA Crime)	2022	4	1	0	5	1	0
	2021	0	1	0	1	0	0
	2020	3	0	1	4	0	0

\*Residential Facility crime statistics are a subset of the On Campus category, i.e. they are counted in both categories.

\*\*Institutions are required to publish the number of “Unfounded Crimes” beginning with calendar year 2015 crime statistics. If a reported crime is investigated by law enforcement authorities and found to be false or baseless, the crime is “unfounded”. Only sworn and/or commissioned law enforcement personnel may unfind a reported crime.

\*\*\*VAWA, Violence Against Women Act, is a new requirement for the Annual Security Report beginning with the 2015 report. Previous years with no data are intentional as VAWA requirements were not yet implemented.

## Occurrences of Hate Crimes

**2022** – There were no reported hate crimes

**2021** – There was one reported hate crime

**2020** – There were no reported hate crimes

# 2022 Annual Fire Safety Report / Statistics

## Overview

The Higher Education Opportunity Act (Public Law 110-315) (“HEOA”), which became law in August 2008, requires Drake University to prepare an Annual Fire Safety Report that outlines fire safety practices, standards, and all fire-related on-campus statistics. The following public disclosure report details all information required by law as it relates to Drake University.

## Federal Compliance Definition of a Fire:

Pursuant to the HEOA and for purposes of this Report, a “fire” is defined as any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

## Description of each On-Campus Housing Facility

- **Carpenter Hall** is a first-year residence hall located at 2900 Forest Avenue. It has 22 single rooms, 75 double rooms, and 10 triple rooms.  
For more information, see [drake.edu/life/housing/firstyearhousing/](https://drake.edu/life/housing/firstyearhousing/)
- **Crawford Hall** is a first-year residence hall located at 1333 30th Street. It has 21 single rooms, 56 double rooms and 10 triple rooms.  
For more information, see [drake.edu/life/housing/firstyearhousing/](https://drake.edu/life/housing/firstyearhousing/)
- **Goodwin-Kirk Hall** is an upper-class-students residence hall located at 1215 30th Street. It has 45 single rooms, 5 double rooms, 17 triple suites, and 94 four-person suites.  
For more information, see [drake.edu/residencelife/residencehallinformation/goodwin-kirkhall/](https://drake.edu/residencelife/residencehallinformation/goodwin-kirkhall/)
- **Herriott Hall** is a first-year residence hall located at 2842 Forest Avenue. It has 20 single rooms, 79 double rooms, and 10 triple rooms.  
For more information, see [drake.edu/life/housing/firstyearhousing/](https://drake.edu/life/housing/firstyearhousing/)
- **Jewett Hall** is an upper-class-students residence hall located at 2801 University Avenue. It has 9 single rooms, 73 double rooms, and 4 triple rooms.  
For more information, see [drake.edu/residencelife/residencehallinformation/jewetthall/](https://drake.edu/residencelife/residencehallinformation/jewetthall/)
- **Morehouse Hall** is a residence hall for first year and upper-class students located at 2803 University Avenue. It has 14 single rooms, 79 double rooms, and 1 triple room.  
For more information, see [drake.edu/life/housing/firstyearhousing/](https://drake.edu/life/housing/firstyearhousing/)
- **Ross Hall** is currently home to the Department of Public Safety. The department occupies the entire first floor at 1214 31st Street. Floors 2-5 are occupied and reserved for COVID-19 isolation patients.
- **Stalnaker Hall** is a first-year residence hall located at 1319 30th Street. It has 23 single rooms, 95 double rooms and 10 triple rooms.  
For more information, see [drake.edu/life/housing/firstyearhousing/](https://drake.edu/life/housing/firstyearhousing/)

- **Drake West Village** is an apartment complex for juniors, seniors, graduate, and professional students located at 1315 31st Street. It has 72 four-bedroom apartments, 52 two-bedroom apartments, 40 one-bedroom apartments and 25 studio apartments. For more information see [drake.edu/residencelife/drakewestvillage/](https://drake.edu/residencelife/drakewestvillage/).
- **Norman and McCoy Apartments** are two apartment houses rented by Drake University and rented through the Real Estate Department. . Norman Apartments is located at 3103 University Avenue. McCoy Apartments is located at 1220 31st Street. For more information see <https://drake.allterraproperties.com/>

## Fire Safety Systems University Student Housing Facilities

The spreadsheet below lists all Fire Safety System(s) and location of at all university student-housing facilities:

Name	Location	Fire Alarm	Sprinkler System	Smoke Detection	Fire Extinguishers	Evacuation Plans & Placards
Carpenter	2602 Forest Ave.	x	x	x	x	x
Crawford	1333 30th Street	x	x	x	x	x
Goodwin-Kirk	1215 30th Street	x	x	x	x	x
Herriott	2842 Forest Ave.	x	x	x	x	x
Jewett	2801 Univ. Ave.	x	x	x	x	x
Morehouse	2803 Univ. Ave.	x	x	x	x	x
Ross	1214 31st Street	x	x	x	x	x
Stalnaker	1319 30th Street	x	x	x	x	x
Norman Apts.	3103 University	x		x	x	x
McCoy Apts.	1220 31st Street	x		x	x	x
West Village	1315 31st Street	x	x	x	x	x

## Fire Drills

During the 2022 academic school year, due to the COVID pandemic, fire drills were held in all buildings. Drake conducted one drill per building for a total of 12 test (at the time Morehouse College was still in operation). Testing and maintenance of fire protection systems in all buildings was performed by Protex Central, Inc.

## University Policies/Rules Regarding Portable Electrical Appliances, Smoking, and Open Flames in Student Housing Facilities

Smoking is prohibited on Drake University’s campus, including in the residence halls.

The Smoke Free Air Act of Iowa prohibits smoking in all public and private schools and on any grounds under the control of the schools, including inside any vehicle located on those grounds. “School” and “public or private educational facility” is defined as a public school and nonpublic school, a community college, an accredited private institution, or an institution governed by the Board of

Regents. Should a resident be found responsible for smoking in their residence hall room, that resident will be assessed a cleaning fee of \$250 at the time of the incident.

Items that may create a safety or fire hazard are not allowed in the residence halls. For a comprehensive list of the items not allowed in the residence halls, please see the Residence Hall Code of Conduct at: [drake.edu/residencelife/residencehallhandbook/#reshallpolicies](https://drake.edu/residencelife/residencehallhandbook/#reshallpolicies).

Burning candles, incense, and similar materials is not permitted in residents' rooms. Candles may be used only in connection with hall activities in the public areas of the building and with approval of the hall coordinator and may never be left unattended.

## Fire Alarms

Evacuation is mandatory when alarms sound. Please be sure to locate the fire alarms and exits on your floor. Your prompt and complete cooperation in case of fire is important for everyone's safety. Each room is equipped with a smoke detector, but it is not attached to the main hall system. In case of a fire in your room, you must pull a fire alarm in the hallway to activate the hall system, and then call 9-911 to report the fire's location and notify a hall staff member.

If an alarm sounds, raise your blinds, turn on the room light, and check the door for heat. If the door is hot, block the floor crack with a towel, call 911, and attempt to signal for help from your window. If the door is not hot, exit your room, close the door behind you, stay near the floor, and leave the building by the nearest exit. Under no circumstances should you re-enter a burning building.

Remaining in a residence hall during a fire alarm is a violation of the Student Code of Conduct and will be dealt with as a disciplinary matter.

Pulling the fire alarms falsely, damaging, or tampering with firefighting equipment (i.e., fire alarms, extinguishers, exit signs, exit doors, fire hoses, smoke detectors, emergency lights or the elevator emergency call button) is considered a serious offense which could result in suspension or dismissal from the University and action by the civil authorities, punishable by a fine and/or jail under the State Code of Iowa.

Additional details: [drake.edu/residencelife/residencehallhandbook/](https://drake.edu/residencelife/residencehallhandbook/)

## Procedures for Student Housing Evacuation in Case of a Fire

During certain emergencies it may be necessary to evacuate a building. Drake no longer identifies a designated assembly area outside of buildings in the event of evacuation. Those persons evacuating a building should do the following:

- Use the nearest exit (unless directed otherwise).
- Report any injuries to Public Safety or the appropriate emergency coordinator
- Employees will evacuate and report to their deans/directors.
- People with disabilities or special needs: As part of each Departmental/School/College Emergency Response Plan, disabled persons with special evacuation needs should be invited to request reasonable accommodations in developing an evacuation plan tailored to meet their individual needs.



In an emergency, Drake University will endeavor to account for all faculty, staff, students and visitors.

## **Policies for Fire Safety Education and Training**

The City of Des Moines Housing Department and Des Moines Fire Department regularly inspect Drake University Residence Halls and other buildings for fire and safety hazards in conjunction with required City occupancy permits for campus buildings in accordance with City Code. Copies of various City of Des Moines inspections are held at the Facility Planning and Management building. The Drake University community is served by Des Moines Fire Station #5, which is located just a few blocks west of campus.

More information regarding the Des Moines Fire Department may be found at: <https://www.dmgov.org/departments/Fire/Pages/default.aspx>

Public Safety Officers, as well as Facility Planning and Management Duty Engineers have been trained in the activation and de-activation of fire alarm systems within campus building. Most fire alarm systems on campus are connected electronically to the Drake University Public Safety Communications Center, which is staffed 24 hours per day. The campus fire alarm systems are tested on a regular basis to insure they are working properly.

Fire Prevention and Safety training for all Facility Planning and Management personnel, (administrators, supervisors, electricians/crafts department, grounds department, custodial department, and the engineering department), is held annually each October in conjunction with National Fire Prevention Week.

A certified building inspection company inspects sprinklers and Building Fire Alarm Systems three (3) times a year. Hood suppression systems that are in the kitchens and the dining hall. Residents are reminded not to hang items from sprinkler heads in their rooms.

Designated rooms in Residence Halls are equipped with assistive devices such as strobe lights for students with a disability or physical impairment. These devices are hard-wired into the fire alarm system and will activate when the building goes into alarm. When the building's alarm system is temporarily out of operation, a fire watch (walking patrol of the building by staff with air horns and radios to warn residents of a need to evacuate) will be maintained until the system is restored.

Residence Hall staff trained in fire prevention from the Des Moines Fire Department, Fire Prevention Section. The training included a video for fire extinguisher training, provided an evacuation using theatrical smoke and allowed the Residence Hall Staff to extinguish a live fire with a fire extinguisher. Fire training was provided to the Residence Hall Staff prior to the students moving into to the Drake Residence Halls.

Public Safety and Facilities Planning and Management employees are NIMS, (National Incident Management System), certified to facilitate a proper unified response should a fire or other emergency occur on the Drake Campus. The NIMS training was furnished by Polk County Iowa Emergency Management Officials. More information regarding Polk County Emergency Management may be found at: <https://www.emergencymanagementedu.org/certification/>.

## Drake University Fire Notification List

In the case of a fire, students and employees should report that a fire is occurring to the following:

- Public Safety: Campus Emergency Telephone 515-271-2222
- Des Moines Fire Department: City Emergency Telephone 911

## Plans for Future Improvements Related to Fire Safety

- Continue to adhere to stringent inspections, testing and maintenance of all fire safety systems, equipment, and devices.
- All new facilities will be fully equipped with sprinkler system and fire alarm systems.
- Continued review of the campus emergency response plan and related training
- Add additional exterior security cameras for quicker response and reporting of fire hazards/or other incidents on the campus.
- Continue annual fire and evacuation training through actual campus drills.
- Continue training of all residence hall staff by Des Moines Fire Department on evacuation, use of fire extinguishers, and alarms.
- Continue the close working relationship between the Des Moines Fire Department, City of Des Moines Housing Inspectors, the Des Moines Police Department, and Polk County Emergency Management Officials to ensure fire safety continues to be a high priority at Drake University.

## Drake University Fire Log

Drake University maintains a fire log at the public window of the Communication Center at the Department of Public Safety located at 1214 31st Street. Public Safety staffs the Communication Center 24 hours per day and the log is available for public inspection and review at any time.

The “Fire Log” contains all fire reports for the past 60 days. Data included in the log is:

- The Date Reported
- Case Number
- Nature of the Fire
- Date and Time of the Fire
- The General Location of the Fire

Drake University will provide information regarding fire log reports older than 60 days within two business days of the request.

Fire data and statistics gathered for the Annual Fire Safety Report will be maintained for 7 years.

# Campus Fire Statistical Data

## Summary of Fire Locations; 3 Most Recent Years

Name of Facility	2020			2021			2022		
	Fires	Injuries	Deaths	Fires	Injuries	Deaths	Fires	Injuries	Deaths
Carpenter Hall	0	0	0	0	0	0	0	0	0
Crawford Hall	0	0	0	0	0	0	0	0	0
Goodwin-Kirk Hall	0	0	0	0	0	0	0	0	0
Herriott Hall	0	0	0	0	0	0	0	0	0
Jewett Hall	0	0	0	0	0	0	0	0	0
Morehouse Hall	0	0	0	0	0	0	0	0	0
Stalnaker Hall	0	0	0	0	0	0	0	0	0
Ross Hall	0	0	0	0	0	0	0	0	0
Kirk Hall	0	0	0	0	0	0	0	0	0
Norman Apartments	0	0	0	0	0	0	0	0	0
McCoy Apartments	0	0	0	0	0	0	0	0	0
Drake West Village Apartments	2	0	0	0	0	0	0	0	0
TOTAL	2	0	0	0	0	0	0	0	0

## Fire Incident Information

### 2022 - No incidents for this year.

Location	Category of Fire	Cause of Fire	Fire Related Injuries	Fire Related Deaths	Property Damage

### 2021 - No incidents for this year.

Location	Category of Fire	Cause of Fire	Fire Related Injuries	Fire Related Deaths	Property Damage

### 2020

Location	Category of Fire	Cause of Fire	Fire Related Injuries	Fire Related Deaths	Property Damage
30th and Carpenter		Trashcan fire	0	0	0
Drake West Village		Oven fire	0	0	0
Drake West Village		Burnt food	0	0	0

*This report was created by Scott Law, Executive Director Public Safety and University Operations. Questions about this specific report may be directed to Director Law at 515-271-3860.*

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