

**Policy Title:** Sexual and Interpersonal Misconduct Policy  
**Policy Category:** Administration  
**Policy Owner:** Administration (Title IX Coordinator/Equity and Inclusion Policy Specialist)  
**Review Period:** Annually  
**Effective Date:** Originally Effective on November 1, 2011; Revision Effective August 24, 2015  
**Related University Policies:** *Code of Student Conduct:*  
<http://www.drake.edu/studentlife/handbook-resources/handbook/conduct/>  
*Policy on Consensual Relationships:*  
<http://www.drake.edu/governance/policies/>

### Purpose

The purpose of this document is to set forth Drake University's policies and procedures related to Sexual and Interpersonal Misconduct. In addition, it is intended to ensure that the University's policies and procedures related to Sexual and Interpersonal Misconduct are interpreted and applied consistently with Title VII, IX, the Violence Against Women Act (VAWA), the Clery Act, and other applicable law.<sup>1</sup> It is also intended to notify victims/survivors of their rights and resources that are available to them when Sexual or Interpersonal Misconduct occurs. It explains the investigatory and disciplinary procedures the University follows and possible sanctions the University may impose with respect to complaints of Sexual and Interpersonal Misconduct. It also explains interim and long-term protective measures and accommodations that may be offered to survivors,<sup>2</sup> if requested and reasonably available, such as no-contact orders and temporary or permanent changes in housing, academic, transportation and working conditions.<sup>3</sup> Finally, it includes information about prevention and awareness. Questions about this document, any related policy or procedure, making a report, or requesting accommodations to academic, living, working, and/or transportation arrangements, may be directed to any of the following:<sup>4</sup>

- *Drake University's Title IX Coordinator/Equity and Inclusion Policy Specialist, Kathryn Overberg: 515-271-2982 or Kathryn.Overberg@drake.edu & TitleIX@drake.edu*
- *Dean of Students, Dr. Jerry Parker (Students): 515-271-2835 or jerry.parker@drake.edu*
- *Director of Human Resources, Gary Johnson (Employees): 515-271-4804 or gary.johnson@drake.edu*
- *Prevention Coordinator for Sexual and Interpersonal Misconduct, Tess Cody, 515-271-4141 or prevention@drake.edu*

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<sup>1</sup> This document may be revised from time to time to reflect changes in applicable law. If and to the extent any existing University policy conflicts with this document, this document controls.

<sup>2</sup> The terms "survivor" and "victim" are used interchangeably throughout this document.

<sup>3</sup> In certain instances the University may impose protective measures for the safety of the survivor and/or the University community.

<sup>4</sup> Questions are welcome regardless of whether or not the crime is reported to law enforcement or campus safety.

## **Policy**

Drake University prohibits discrimination on the basis of sex in its educational programs and in employment. This includes, but is not limited to, discrimination in the form of sex-based harassment (including sexual harassment), sexual assault and sexual exploitation (collectively referred to herein as “Sexual Misconduct”). Drake also prohibits dating violence, domestic violence, and stalking (collectively referred to herein as “Interpersonal Misconduct”). Finally, retaliation against anyone seeking guidance, filing a complaint or participating in an investigation into Sexual or Interpersonal Misconduct is strictly prohibited.

## **Scope**

The policy expressed above governs the conduct of all Drake University students, employees and third parties whose actions impact the University’s educational and working environment. It also provides for interim and long-term protective measures and accommodations for Drake student and employee survivors of Sexual or Interpersonal Misconduct. This policy applies regardless of sexual orientation or gender identity and whether an incident occurs on or off campus.

## **Definitions**

**Sexual Misconduct:** The University defines Sexual Misconduct as including Sexual Assault, Sexual Exploitation and Sex-Based Harassment (including Sexual Harassment) as each term is defined below.

**Sexual Assault:** Sexual assault is an extreme form of sexual misconduct ranging from forcible rape to nonphysical forms of pressure that compel individuals to engage in sexual activity against their will. In Iowa, the terms “rape” and “sexual assault” fall under the legal definition of “sexual abuse,” which includes any sex act done by force or against the will of another. Examples of sexual assault under this policy include, but are not limited to the following behaviors when consent is not present:

- Sexual intercourse (vaginal, anal, oral)
- Oral sex
- Rape or attempted rape
- Penetration of an orifice (anal, vaginal, oral) with the penis, finger, or other object
- Unwanted touching of the genitals, buttocks, breast, or other body part
- Coercion or force to make someone else touch one’s genitals, buttocks, breast, or other body part
- Engaging in sexual activity with a person who is unable to provide consent due to the influence of drugs, alcohol, or other condition
- Inducing consent through drugs or alcohol
- Ejaculation onto the person of another

**Consent:** The term “consent,” in the context of sexual activity, means by clear, unambiguous action, agreeing, giving permission or saying “yes” to sexual activity with someone else. Consent is not present if a sexual act is committed through force, threat, intimidation or against the will of another. Furthermore, an individual cannot give consent if incapacitated from doing so due to the influence of drugs, alcohol, or other condition.

**Sexual Exploitation:** Sexual exploitation involves taking non-consensual sexual advantage of another person, even though the behavior might not constitute one of the other sexual misconduct offenses. Examples can include, but are not limited to, the following behaviors:

- Distribution or publication of sexual or intimate information about another person without consent
- Electronic recording, photographing, or transmitting sexual or intimate utterances, sounds, or images without knowledge and consent of all parties
- Engaging in indecent exposure
- Sexual intimidation - Sexual intimidation is an implied or actual threat to commit a sex act against another person, or behavior used to coerce participation in a sex act
- Stalking - Stalking may take many forms including persistent calling, texting, or Internet posting, as well as physical stalking, when the context of the communication or the nature of the stalking is of a sexual or intimate nature
- Voyeurism - Voyeurism involves either secretive observation of another's sexual activity or secretive observation of another for personal sexual pleasure

**Sex-Based Harassment (including Sexual Harassment):** Sex-based harassment is defined as unwelcome advances, requests for sexual favors, or other unwelcome verbal or physical conduct aimed at another because of sex when:

- Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment or status in a course, program or activity;
- Submission to or rejection of such conduct is used as a basis for an employment or educational decision affecting an individual, or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or of creating an intimidating, hostile, or offensive environment for work or learning.

Drake University does not tolerate sex-based harassment of its employees or students by others regardless of their university status and it also protects students and employees against third party harassment within the employment and educational setting. Sex-based harassment is especially serious when it threatens relations between teacher and student or supervisor and subordinate by unfairly exploiting the power differential between the parties in the relationship.

### **Examples of Sex-Based Harassment**

Sex-based harassment occurs in a variety of circumstances. Often, sex-based harassment involves relationships of unequal power, and contains elements of coercion as when compliance with requests for sexual favors becomes a condition of employment, work, education, study or benefits. Sex-based harassment may also involve unwelcome relationships among equals, as when repeated sexual advances or demeaning verbal or physical behavior have a harmful effect on a person's ability to study or work at the University.

Examples of sex-based harassment include, but are not limited to, the following unwelcome behaviors:

- physical assault, indecent exposure, or physical contact of a sexual nature;
- direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades or letters of recommendation etc.;
- direct propositions of a sexual nature;
- a subtle pressure for sexual activity or a pattern of conduct (not legitimately related to the subject matter of a course, if a course is involved) intended to denigrate, distress or humiliate through sexual comments or sexually explicit statements, questions, jokes or anecdotes. This pattern of conduct may include unnecessary touching, unwanted staring, patting, hugging or brushing against a person's body; remarks of a sexual nature about a person's clothing or body; or remarks about sexual activity or speculations about previous sexual experience;
- a pattern of conduct that would denigrate, distress or humiliate a reasonable person of the same sex as the person at whom the conduct was directed. The pattern of conduct may, but need not, be of a sexual nature so long as it is directed at another because of sex. Examples include but are not limited to:
  1. name-calling jokes or negative comments about the person's sex/gender
  2. physical intimidation, vandalism or pranks
  3. displays of reading materials or pictures containing negative material about a particular sex, including electronic materials.

**Interpersonal Misconduct:** The University defines Interpersonal Misconduct as including Domestic Violence, Dating Violence, and Stalking as each term is defined within this document.

**Domestic Violence:** An assault<sup>5</sup> 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.

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<sup>5</sup> 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:** Violence committed by a person—

1. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
2. where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - (a) The length of the relationship.
  - (b) The type of relationship.
  - (c) The frequency of interaction between the persons involved in the relationship.

**Stalking:** A person commits stalking when all of the following occur:

1. The person purposefully engages in a course of conduct<sup>6</sup> directed at a specific person that would cause a reasonable person to fear 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 the specific person will be placed in reasonable fear of 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.
3. The person's course of conduct induces fear in the specific person of bodily injury to, or the death of, the specific person or a member of the specific person's immediate family.

**Retaliation:** Retaliation occurs when action is taken against another because they have sought guidance, filed complaint or participated in an investigation into Sexual or Interpersonal Misconduct. Examples of retaliation include, but are not limited to, any action that has an adverse impact on the complainant's employment, compensation or work assignments, or, in the case of students, grades, class selection or any other matter pertaining to student.

## **University Reporting and Disciplinary Procedures**

### **Where to Report**

To report an incident involving Sexual or Interpersonal Misconduct under university policies and procedures, any of the following individuals and departments at Drake University may be contacted:

- *Drake University's Title IX Coordinator/Equity and Inclusion Policy Specialist, Kathryn Overberg: (515-271-2982) or online through [www.drake.edu/titleix](http://www.drake.edu/titleix)*
- *Drake University's Dean of Students, Dr. Jerry Parker: (515-271-2835)*
- *Drake University's Human Resources Director, Gary Johnson: (515-271-4804)*
- *Drake University's Campus Public Safety: (515-271-2222)*
- *Drake University's Prevention Coordinator for Sexual and Interpersonal Misconduct, Tess Cody, 515-271-4141 or [prevention@drake.edu](mailto:prevention@drake.edu)*

Whether or not criminal charges are filed, a complaint may be filed under this Policy and/or the Student Code of Conduct (where the alleged perpetrator is a student). A link to the Student Code

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<sup>6</sup> "Course of Conduct" as used in the definition of "Stalking", means repeatedly maintaining a visual or physical proximity to a person without legitimate purpose or repeatedly conveying oral or written threats, threats implied by conduct, or a combination thereof, directed at or toward a person.

of Conduct is included on page one. In cases in which the accused is a student or the complainant is a student and the accused is a third party, complaints should be directed to the Dean of Students or Title IX Coordinator/Equity and Inclusion Policy Specialist. In cases in which the accused is an employee or the complainant is an employee and the accused is a third party, complaints should be directed to the Director of Human Resources or Title IX Coordinator/Equity and Inclusion Policy Specialist.

### **Anonymous Reports**

Alternatively, an anonymous report via this web portal may be made at:  
<https://secure.ethicspoint.com/domain/media/en/gui/24191>

### **Responsible Employees to Share Incidents of Sexual or Interpersonal Misconduct**

Reports to Campus Public Safety and to the Prevention Coordinator will automatically be referred to the Title IX Coordinator/Equity and Inclusion Policy Specialist, the Dean of Students, or the Director of Human Resources, who will follow up for further processing. Any University employee who is not statutorily prohibited from doing so (including managers of student employees) who becomes aware of Sexual or Interpersonal Misconduct should bring the information to the Title IX Coordinator/Equity and Inclusion Policy Specialist, Dean of Students, or the Director of Human Resources. Please note that confidential resources are identified in the chart below in this document.

### **Procedures**

Whether or not criminal charges are filed, a complaint may be filed under this Policy and/or the Student Code of Conduct (where the alleged perpetrator is a student). A link to the Student Code of Conduct is included on page one. In cases in which the accused is a student or the complainant is a student and the accused is a third party, complaints should be directed to the Dean of Students or Title IX Coordinator/Equity and Inclusion Policy Specialist. In cases in which the accused is an employee or the complainant is an employee and the accused is a third party, complaints should be directed to the Director of Human Resources or Title IX Coordinator/Equity and Inclusion Policy Specialist.

The University disciplinary process will include a prompt, fair, and impartial investigation and resolution process. Investigators and adjudicators are trained annually on the issues related to Sexual and Interpersonal Misconduct and taught how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability.

For complaints against students, the Dean of Students/designee will conduct the investigation and Section III of Drake's Student Code of Conduct will govern the investigation and adjudication process. For complaints against faculty or staff, Human Resources will conduct the investigation and adjudication will follow procedures applicable to the accused, within the staff handbook, faculty manual, any applicable contract, and/or Academic Charter. The anticipated timelines for the investigation, disciplinary procedures, and appeal rights are as stated in each applicable policy or the Student Conduct Code. In any event, the University endeavors to complete the investigatory process within sixty (60) days. The following disciplinary procedures apply in cases of alleged Sexual or Interpersonal Misconduct:

1. The accuser and the accused each have the opportunity to participate in the investigatory and disciplinary process which is overseen by properly trained individuals;

2. The accuser and the accused 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 are based on the preponderance of evidence standard. In other words, the investigator or adjudicator will determine if it more likely than not that the accused violated the applicable policy;
4. The accuser and the accused 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 the accuser and the accused and the right is explained in the applicable procedures. The accuser and the accused will be notified simultaneously in writing of the final outcome of an appeal, if applicable.

University sanctions may be imposed upon those determined to have engaged in Sexual or Interpersonal Misconduct under applicable university policies and procedures. For employees, sanctions could range from counseling to termination from employment. For students, possible sanctions include expulsion, suspension, probation, removal from university owned housing, mandatory counseling, non-academic probation, revocation of privileges, restitution, fines, educational or work assignments, or university reprimand. For third parties, the University may issue a no trespass order. As noted above, the University may also implement interim and/or longstanding protective remedial measures following a report of Sexual or Interpersonal Misconduct, which may include no-contact orders and/or temporary or permanent changes in housing, academic, transportation and working conditions, if requested and reasonably available.

#### **A Note on Student Medical Amnesty Regarding University Discipline**

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., security, 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.

## **Options for Survivors of Sexual or Interpersonal Misconduct**

### **Crisis Advocacy**

Talking to someone in your support system may be helpful in the aftermath of Sexual or Interpersonal Misconduct. Crisis advocates are available to provide confidential emotional support and to explain options to survivors. Survivors have the right to request the presence of a victim advocate, as defined under law, at any proceeding related to a sexual assault, including a medical examination and any legal proceeding.

### **Dating/Domestic Violence and Stalking (24/7):**

Domestic Violence Services- 515-243-6147  
Iowa Domestic Violence Hotline-1-800-942-0333

### **Sexual Assault/Harassment (24/7):**

Polk County Crisis and Advocacy Services-515-286-3600  
Crisis Intervention Services-1-800-270-1620  
Iowa Sexual Abuse Hotline-1-800-284-7821

A comprehensive list of resources that are available for survivors of Sexual or Interpersonal Misconduct is provided on pages 12-14.

### **Victim's Rights (under Code of Iowa § 709.22)**

In Iowa, victims<sup>7</sup> have the following rights pursuant to state statute:

1. The right to ask an Iowa court for help with any of the following on a temporary basis:
  - (a) Keeping your attacker away from you, your home, and your place of work.
  - (b) The right to stay at your home without interference from your attacker.
  - (c) The right to seek a criminal no-contact order, if your attacker is arrested for sexual assault.
2. You have the right to register as a victim with the county attorney.
3. You have the right to file a complaint for threats, assaults, or other related crimes.
4. You have the right to seek restitution against your attacker for harm to you or your property.
5. You have the right to apply for victim compensation.
6. You have the right to contact the county attorney or local law enforcement to determine the status of your case.
7. If you are in need of medical treatment, you have the right to request that a law enforcement officer assist you in obtaining transportation to the nearest hospital or otherwise assist you.

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<sup>7</sup> The Code of Iowa uses the term "victim" rather than "survivor."



8. You have the right to a sexual assault examination performed at state expense, as discussed above.
9. You have the right to request the presence of a victim counselor, as defined under law, at any proceeding related to an assault, including a medical examination.
10. If you believe that police protection is needed for your physical safety, you have the right to request that a law enforcement officer remain at the scene until you and other affected parties can leave or until safety is otherwise ensured.

(Iowa Code § 709.22).

### **Medical Attention**

After an occurrence of sexual assault<sup>8</sup>, you should consider seeking medical attention as soon as possible. Locally, medical attention is available at any of the following hospitals or clinics:

**Broadlawns Medical Center** (515-282-2200)  
1801 Hickman, Des Moines, IA

**Iowa Lutheran Hospital** (515-263-5612)  
700 E. University Ave., Des Moines, IA

**Iowa Methodist Hospital** (515-241-6212)  
1200 Pleasant St., Des Moines, IA

**Mercy Medical Center** (515-247-3121)  
1111 Sixth Ave., Des Moines, IA

**Planned Parenthood of the Heartland-Rosenfield Health Center** (1-877-811-7526)  
1000 E. Army Post Rd., Des Moines, IA (M-F, 8-5pm)

You have the right to have a certified Sexual Assault Nurse Examiner (SANE) provide a free, confidential medical examination at the expense of the state. The SANE can conduct a sexual assault evidence collection kit to preserve forensic evidence of the assault within 120 hours after its occurrence. In order to preserve as much evidence as possible, it is recommended that you not bathe, douche, change clothing or clean bed linens/area where the assault occurred. However, even if you have engaged in any or all of these activities, you can still proceed with an exam within the 120-hour time frame. Consider having this exam done if you may want to pursue charges or if you are concerned about your physical health and well-being. This exam also provides screening for sexually transmitted diseases, HIV/AIDS and/or pregnancy prevention measures within or after the 120-hour time frame, and includes free follow-up exams if needed.

In addition, you may apply to have certain expenses related to follow-up medical care, counseling, or other accrued expenses related to the assault, covered through the Iowa Crime Victim Compensation Program. A victim advocate can help you with this process as part of their free and ongoing services. For an application and other information related to this process, please visit: <https://www.iowaattorneygeneral.gov/for-crime-victims/crime-victim-compensation-program/>

### **Preservation of Evidence**

Survivors of Sexual or Interpersonal Misconduct are encouraged to preserve any and all evidence. In addition to preserving any medical evidence, survivors are encouraged to save, for example, text messages, instant messages, social networking pages, other communications, and to keep pictures, logs

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<sup>8</sup> Prompt medical attention is also encouraged for other forms of Sexual and Interpersonal Misconduct that causes physical or emotional injury.

and any other relevant documents. You may also want to write down all the details you can recall about the incident and the accused perpetrator. This evidence could be useful to the University and/or law enforcement if you choose to pursue the matter within the University and/or in court.

### **Orders of Protection<sup>9</sup>**

**University No-Contact Orders:** The University may issue a no-contact order upon a report or complaint of Sexual or Interpersonal Misconduct. This type of no-contact order is enforced under university policies and procedures and applies only to the campus jurisdiction.

**University No Trespass Orders:** Drake University's property is covered by jurisdictional trespassing laws.<sup>10</sup> Drake has the right to ask a person to leave university property if the person's conduct is aggressive or threatening, or is otherwise disruptive to the University's educational or employment environment and/or university activities. Under these circumstances, a no trespass order may be issued by the Campus Public Safety or the Dean of Students. Violations of trespass orders may warrant arrest by the Des Moines Police Department.

**Criminal No-Contact Orders:**<sup>11</sup> *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, and are granted by a judge in the course of criminal proceedings. These orders usually last upwards to 5 years and can be reauthorized.

**Civil Protective Orders:**<sup>12</sup> There is a separate process for obtaining a *civil protective order*, which a victim of domestic abuse may seek even if there are no criminal charges.<sup>13</sup> Beginning in July 2017, civil protective orders can also be requested in cases of sexual assault. To obtain a civil protective order, you must be the victim of domestic abuse and have a particular relationship with the accused (such as a spouse, ex-spouse, co-habitors, or co-habitors within one year prior, having a child together, or being in

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<sup>9</sup> Nothing in this Notice should be construed as legal advice on no-contact and protective orders under Iowa law. You should consider consulting with an attorney regarding your specific situation and any individualized questions.

<sup>10</sup> "Trespassing" under the Iowa Code includes: Entering or remaining upon or in property without justification after being notified or requested to abstain from entering or to remove or vacate therefrom by . . . any peace officer, magistrate, or public employee whose duty it is to supervise the use or maintenance of the property. Iowa Code § 716.7(2)(a)(2). Additionally, individuals are prohibited from coming onto the property of another without permission with the intent to harass another individual. Iowa Code § 716.7(2)(a)(1).

<sup>11</sup> A "No-contact order" is "a court order issued in a criminal proceeding requiring the defendant to have no contact with the alleged victim, persons residing with the alleged victim, or members of the alleged victim's immediate family, and to refrain from harassing the alleged victim, persons residing with the alleged victim, or members of the alleged victim's family." Iowa Code § 664A.1(1). Chapter 664A of the Iowa Code applies to no-contact orders issued for violations or alleged violations of sections 708.2A, 708.7, 708.11, 709.2, 709.3, and 709.4, and any other public offense for which there is a victim.

<sup>12</sup> "Protective Orders" are defined as those issued pursuant to chapter 232 (relating to Juvenile Justice), a court order or court-approved consent agreement entered pursuant to chapter 236 (relating to Domestic Abuse), a temporary or permanent protective order or order to vacate the homestead under chapter 598 (relating to Dissolution of Marriage and Domestic Relations), or an order that establishes conditions of release or is a protective order or sentencing order in a criminal prosecution arising from a domestic abuse assault, a civil injunction issued pursuant to section 915.22 (relating to civil injunction to restrain harassment or intimidation of victims or witnesses). See Iowa Code § 664A.1(2).

<sup>13</sup> A victim may have both a civil protective order and a criminal no-contact order simultaneously. A civil protective order also may protect children of the couple and can grant the defendant limited access.

an intimate relationship<sup>14</sup>). As a victim, you may go to the Polk County Clerk of Court (Room 115 of the Polk County Courthouse, 500 Mulberry Street, Des Moines) and request a protective order form. You will appear before a judge for a temporary protective order, and a hearing will be scheduled.<sup>15</sup> If a judge issues a civil protective order, the order will be effective for one year and subject to renewal if requested before expiration.. For assistance in Polk County, you may contact the Polk County Attorney (222 5<sup>th</sup> Ave, Des Moines, 515-286-3737). You may also contact the Civil Court Advocate of Domestic Violence Services at (515) 243-6147 if you have questions regarding the qualifications in obtaining an order.

In compliance with Iowa law, Drake University recognizes both criminal no-contact orders and civil protective orders. If you obtain an order of protection from a court in Iowa,<sup>16</sup> you should provide a copy to Drake University's Campus Public Safety, Dean of Students Office (if you are a student), and the Title IX Coordinator/Equity and Inclusion Policy Specialist. You may then meet with the Drake's Department of Public Safety and the Dean of Students (if you are a student) to develop a plan to reduce risk of harm while on campus or coming and going from campus. This plan may include, for example: escorts, special parking arrangements, changing classroom location, allowing a student to complete assignments from home, etc.

### **Accommodations and Protective/Interim Measures**

The University will work cooperatively with any survivor of Sexual or Interpersonal Misconduct to promote his/her health, well-being and physical safety, and to make available accommodations within the survivor's educational and/or work environment after a report of Sexual or Interpersonal Misconduct is made, regardless of whether the individual chooses to contact law enforcement. For example, as noted above, changes to academic, living, transportation, and/or working situations may be requested and will be arranged if reasonably available. In addition, if requested, counseling, health services and assistance in notifying appropriate local law enforcement will also be provided.

Drake University identifies the following individuals to provide assistance in seeking these accommodations and protective measures:

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<sup>14</sup> The relationship need not be sexual in nature.

<sup>15</sup> The hearing will typically be scheduled within 5-14 business days. At the hearing, a victim can be represented by legal counsel and present evidence and witness testimony. The defendant will be served and required to attend the hearing. If the defendant cannot be served prior to hearing, the hearing date will be continued. If the defendant is served and does not attend the hearing, the civil protective order will be issued automatically. If the defendant attends, the defendant is provided the same rights for legal representation and presentation of evidence.

<sup>16</sup> Drake University will also recognize a no-contact order/protective order entitled to full faith and credit in Iowa under 18 U.S.C. § 2265 and Iowa Code § 236.19. An out-of-state protective order is valid in Iowa if (1) the order states the name of the protected individual against whom enforcement is sought, (2) the order has not expired, and (3) the court that issued the protective order court had jurisdiction over the parties and matter under its law, and (4) reasonable notice and opportunity to be heard was given to the person against whom the order was sought sufficient to protect that person's right to due process. *See* Iowa Code § 236.19. In the case of ex parte orders (or orders in which the respondent did not appear) notice and opportunity to be heard must have been provided within the time required by the state's law, and in any event within a reasonable time after the order was issued. *See id.* A protection order issued by a court against one who has petitioned, filed a complaint, or otherwise filed a written pleading for protection against abuse by a spouse or intimate partner is *not* entitled to full faith and credit under federal law if (1) no cross or counter petition, complaint, or other written pleading was filed seeking such a protection order; or (2) a cross or counter petition has been filed and the court did not make specific findings that each party was entitled to such an order. *See* 18 U.S.C. § 2265(b), (c).

**Students:**

- *Drake University's Dean of Students, Dr. Jerry Parker: (515-271-2835)*
- *Drake University's Campus Public Safety: (515-271-2222)*
- *Drake University's Title IX Coordinator/Equity and Inclusion Policy Specialist, Kathryn Overberg: (515-271-2982)*

**Employees:**

- *Drake University's Human Resources Director, Gary Johnson: (515-271-4804)*
- *Drake University's Campus Public Safety: (515-271-2222)*
- *Drake University's Title IX Coordinator/Equity and Inclusion Policy Specialist, Kathryn Overberg: (515-271-2982)*

**Note on Confidentiality**

Your personally identifiable information will be treated confidentially and shared only with persons with a specific need to know who are investigating/adjudicating any complaint or delivering resources or support services to you. Any protective measures or accommodations provided to you 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 protective measures or accommodations. The University does not publish the names of crime victims nor house identifiable information regarding victims in the Campus Public Safety office, the Daily Crime Log or online. The University will also keep personally identifiable information out of public recordkeeping, including the College's Annual Security Report of Crime Statistics under the Clery Act. You may request that directory information on file be removed from public sources by request of the Student Records Office by calling 515-271-2025.

**Options Regarding the Involvement of Law Enforcement**

Although the University strongly encourages all members of its community to report Sexual and Interpersonal Misconduct that constitutes a crime to law enforcement, it is your choice whether or not to make such a report and survivors have the right to decline involvement by the police. If you desire to contact law enforcement, you may do so directly or with assistance from the University. For assistance, you may contact the following offices and individuals:

- Coordinator for Sexual and Interpersonal Misconduct, 515-271-4141 or [prevention@drake.edu](mailto:prevention@drake.edu)
- *Campus Public Safety, 515-271-2222*

You may also contact the Des Moines Police Department directly by calling 9-1-1 (emergency) or non-emergency at 515-283-4864 or 515-283-4811, in person at Des Moines Police Department's Investigation Unit: 25 Robert D. Ray Drive, Des Moines, Iowa, 50309. Additional information about the Des Moines Police department may be found online at:

<https://www.dmgov.org/departments/police/Pages/default.aspx>. Criminal acts may subject the perpetrator to criminal and civil penalties under federal and/or state law.

**Resources for Victims of Sexual and Interpersonal Misconduct****On-Campus (\*Denotes Confidential Resource):**

*Student Counseling Center	3116 Carpenter Ave.	515-271-3864
*Student Health Center	3116 Carpenter Ave.	515-271-3731
*Violence Intervention Partner (24/7 Peer-based Victim Advocacy)	Wesley House, 2718 University Ave.	515-512-2972 (Call or Text)
*University Spiritual Counselor	Wesley House, 2718 University Ave.	515-274-3133
*Sexual Assault Advocate	Cowles Library 109 (during academic year)	Wednesdays 1:00-4:00
Campus Public Safety	1227 25 <sup>th</sup> St.	515-271-2222
Dean of Students Office	2507 University Ave., 203 Old Main	515-271-2835
Title IX Coordinator/Equity and Inclusion Policy Specialist	2507 University Ave., 208 Old Main <a href="http://www.drake.edu/titleix">www.drake.edu/titleix</a>	515-271-2982
Human Resources	2612 Forest Avenue	515-271-4804
Office of Residence Life	2507 University Avenue (Lower Olmsted)	515-271-3781
Prevention Coordinator for Sexual and Interpersonal Misconduct	2875 University Ave. (Olmsted)	515-271-4141
Student Financial Planning	Carnegie Hall	515-271-2905
Drake International Center	2612 Forest Avenue	515-271-2084
Disability Services Office	2507 University Avenue, 107 Old Main	515-271-1835

**Off-Campus: Des Moines Area (\*Denotes Confidential Resource):**

Des Moines Police Department	25 Robert D. Ray Drive	9-1-1 or 515-283-4864
*Employee Assistance Program (EAP)	NA	1-800-327-4692
*Broadlawns Medical Center	1801 Hickman	515-282-2200
*Iowa Lutheran Hospital	700 E. University Ave.	515-263-5612
*Iowa Methodist Hospital	1200 Pleasant St.	515-241-6212
*Mercy Medical Center	1111 Sixth Ave.	515-247-3121
*Planned Parenthood of the Heartland-Rosenfield Health Center (Not 24 hours)	1000 E. Army Post Rd.	1-877-811-7526
*Polk County Crisis Services	2309 Euclid Ave.	515-286-3600
*Iowa Sexual Abuse Hotline	NA	1-800-284-7821
*National Sexual Assault Hotline	NA	1-800-656-HOPE
*Iowa Domestic Violence Hotline	NA	1-800-942-0333
*Domestic Violence Services	NA	24/7 Crisis Line: 515-243-6147 Business Line: 515-471-8699

*LUNA – Latina Sexual & Domestic Violence Service	4313 Fleur Drive	24/7 Crisis Line: 1-866-256-7668 Business Line: 515-271-5060
*Monsoon-United Asian Women of Iowa Sexual & Domestic Violence Service * Nisaa African Family Services	4952 Franklin Ave.  4952 Franklin Ave.	515-288-0881  515-288-0881
*Iowa Concern Hotline (Stress Relief)	NA	1-800-447-1985

### Prevention and Awareness

#### **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 key 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 your partner.
- Constantly watching what you say to avoid a “blow up.”
- Feelings of low self-worth and helplessness about your relationship.
- Feeling isolated from family or friends because of your relationship.
- Hiding bruises or other injuries from family or friends.
- Being prevented from working, studying, going home, and/or using technology (including your cell phone.)
- Being monitored by your partner at home, work or school.
- Being forced to do things you don’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 your demeanor or personality whether that point is true or not, this perpetrator chooses to criticize you as a manipulative tool to anger you 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 your 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***

You can be stalked by someone you know 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 you fear for your safety, you may be the target of stalking:

- Repeatedly calling you, including hang-ups.
- Follow you and show up wherever you are.
- Send unwanted gifts, letters, cards, or emails.
- Damage your place of residence, car, or other property.
- Monitors your computer or phone usage.
- Uses technology, like hidden cameras or global positioning systems (GPS), to track where you go.
- Drive by or hang out at your place of residence, school, or work.
- Threatening to hurt you, your friends/family.
- Finding out about you by using public records, social media/online search services, going through your garbage, contacting your friends, family, co-workers, etc.
- Other actions that control, track, or frighten you or cause you 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 you 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 your fault, and talk with friends and family members about ways you 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 your boundaries if you feel 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 you become intoxicated, seek help from a friend; agree that you will not leave another person without telling and assuring they feel safe

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

- Be aware of rape drugs
- Try not to leave your drink unattended
- Only drink from un-opened containers or from drinks you have watched being made and poured
- Be cautious of group drinks like punch bowls
- Cover your drink. It is easy to slip in a small pill even while you are holding your drink. Hold a cup with your hand over the top, or choose drinks that are contained in a bottle and keep your thumb over the nozzle
- If you feel extremely tired or drunk for no apparent reason, you may have been drugged. Find your friends and ask them to leave with you as soon as possible
- If you suspect you have been drugged, go to a hospital and ask to be tested
- Keep track of how many drinks you have had
- Try to come and leave with a group of people you trust
- Avoid giving out your personal information (phone number, where you live, etc.). If someone asks for your number, take his/her number instead of giving out

***General Campus Safety Tips:***

- Make sure your cell phone is easily accessible and fully charged
- Be familiar with where emergency phones are installed on the campus
- Be aware of open buildings where you can use a phone
- Keep some change accessible just in case you need to use a pay phone
- 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 you can be more aware of your surroundings, especially if you are 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 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 you to intervene in the manner in which suits your 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 your action
3. Decide if you have 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 your group dynamic. To request a presentation, email the team at: [drakemvpteam@gmail.com](mailto:drakemvpteam@gmail.com).

## Appendix

In addition to the University definitions of the offenses that constitute Sexual and Interpersonal Misconduct 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 you in understanding your rights and your 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 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 a federal law, known as Jeanne Clery Act. Only aggregate, statistical reporting under the Clery Act is reported; no personally identifiable information is contained in the Annual Security Report.

### **Jurisdictional Definitions:**

#### **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)

#### **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 Interpersonal.
  - (b) The frequency of interaction.
  - (c) Whether the Interpersonal has been terminated.
  - (d) The nature of the Interpersonal, characterized by either party’s expectation of sexual or romantic involvement.

A person may be involved in an intimate Interpersonal with more than one person at a time. "Intimate Interpersonal" 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 Section 236.2(4A).

*“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 Code of Iowa 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 of 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 fear 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 the specific person will be placed in reasonable fear of 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.
3. The person's course of conduct induces fear in the specific person of bodily injury to, or the death of, the specific person or a member of the specific person's immediate family.

(Iowa Code § 708.11)

**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:** Means 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>17</sup>:

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

**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>17</sup> Clery guidance indicates this should be determined based on the reporting party's statement.