



**MORNINGSIDE  
UNIVERSITY**

**Campus Safety and Security**

***2020 Annual Security & Fire Report***

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10/1/2021

*The Morningside University experience  
cultivates a passion for life-long learning  
and a dedication to ethical leadership and civic responsibility*

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# **I. OVERVIEW OF SAFETY AND SECURITY DEPARTMENT**

## **INTRODUCTION**

Morningside University and the Sioux City community are relatively safe environments. Even so, we fully recognize the potential for crime and accidents. We are constantly taking proactive approaches to minimize the risk and enhance the security and safety of the entire campus community – students, faculty, staff, alumni, and visitors.

However, the University staff cannot do this without help from everyone, including the students. Everyone must take responsibility for their own safety and belongings and the safety of their neighbors. Anyone who observes suspicious activity should report it immediately to Campus Safety and Security. People should be aware of the potential for loss or theft if personal items are left out in the open and not guarded.

At no time does Morningside University assume any responsibility for theft, damage to, or loss of money, valuables, or personal property.

Morningside University is a private institution. Campus facilities are for the use of Morningside University students, staff and faculty and their guests. Campus Safety and Security works closely with the University's physical plant, residence life, and administrative staff to establish appropriate levels of security at all times. Safety and security issues within academic buildings should be reported to Campus Safety and Security or the building custodian or residence life staff in the residence halls as quickly as possible.

## **CAMPUS SECURITY OFFICE**

Campus Safety and Security is the administrative office at Morningside University that is responsible for the safety and security of the campus. It includes a director, assistant director, one full-time officer, and 20-25 part-time student safety and security aides. The Director reports to the Associate Vice-President of Business/Controller. Campus Safety and Security employees are not sworn or commissioned officers. They do not carry weapons. They do not have arresting authority however can detain individuals for questioning by authorities. The Sioux City Police Department, Woodbury County Sheriff's Office and the Iowa State Patrol handle all arrests. All on-duty personnel wear a distinctive security uniform. They provide basic security services to the campus community and are on duty 24 hours a day 365 days a year. Members of the Campus Safety and Security staff attend training programs specifically designed for security personnel.

Campus Safety and Security has a close working relationship with the Sioux City Police Department and the Woodbury County Sheriff's Office. All major crimes (felonies) are reported to the Sioux City Police Department, which assumes responsibility for any investigation that may be necessary as soon as possible. In the case of emergencies, the Sioux City Police Department is notified immediately.

The Campus Safety and Security offices are in the Olsen Student Center, just inside the main front doors and the Director and Assistant Director's office is located in the Hickman-Johnson-Furrow Learning Center. The phone number for Campus Safety and Security is 712-274-5234. Campus Safety and Security staff members are available either in the office or by calling the Safety and Security number, which will reach them through the radio.

General services provided by Campus Safety and Security are campus patrols, response to criminal and non-criminal activity, escorts, jump-starts and unlocking vehicles. Safety and Security officers make routine patrols of campus buildings and check exterior doors and windows of buildings, and regular patrols of parking lots. They also monitor the mechanical rooms of each building and report any potential problems to the Director of Physical Plant.

Campus Safety and Security maintains a daily and monthly log of reported crimes written in a form that is easily understood. The log is available to the public for inspection in the Director of Campus Safety and Security Office located in the Hickman-Johnson-Furrow Learning Center. The daily and monthly logs provide the nature, date, time, and general location of each crime. Additionally, the disposition of the complaint is given, if known. Information, including updates, is added as the information becomes available. If there is clear and convincing evidence that the release of such 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, such information may be withdrawn. As a matter of policy, names are not included in the monthly log.

### **CAMPUS LAW ENFORCEMENT**

Morningside University Campus Safety and Security officers have the authority to ask individuals for identification and to determine whether individuals have lawful business at Morningside University. Morningside University Safety and Security officers have the authority to issue parking tickets, which are billed to financial accounts of students, faculty, and staff. Safety and Security officers do not possess arrest power. Campus Safety and Security may detain an individual for questioning. Criminal incidents are referred to the Sioux City Police Department who has jurisdiction on the campus. The Campus Safety and Security Department maintains a highly professional working relationship with the Sioux City Police Department and other law enforcement agencies in the area. All crime victims and witnesses are strongly encouraged to immediately report crimes to Campus Safety and Security and the Sioux City Police Department. Prompt reporting will assure timely warning notices are issued as needed and the timely disclosure of crime statistics.

### **REPORTING CRIMINAL ACTIVITY AND EMERGENCIES**

Individuals need to dial 911 to reach the Sioux City Police Department or Sioux City Fire Department in the event of emergencies. Any emergency situation or knowledge of a crime should be reported immediately to Campus Safety and Security by calling 712-274-5234 or by going to the Safety and Security Office located in the Olsen Student Center or the Hickman-Johnson-Furrow Learning Center. When calling either number, you should stay on the line until the appropriate authorities tell you to hang up. You should be able to provide the exact location, the status of the situation, and who is involved in the incident.

Students and employees may also report criminal offenses to the Vice President for Academic Affairs, Vice-President for Student Life and Enrollment, Vice-President for Business and Finance, area coordinators, RAs, coaches, and faculty. All names are kept confidential and not included in daily logs in an effort to protect those who are reporting the crime from retaliation. Only certain personnel will have access to the names of the informants to provide them with protection.

Emergency Call Boxes are in the following places:

- Roadman Hall Main Entrance
- Residence Complex, lower main entrance
- Dimmitt Hall east bridge door on Vine Ave.
- Poppen Hall upper entrance
- Waitt Hall upper entrance
- Lags Hall south entrance

## **II. GEOGRAPHY**

### **RESIDENCE AND CAMPUS FACILITIES**

The University has eight buildings classified as residence halls, each housing 8-350 students. Head Residents (HRs), Head Apartment Managers (HAMs), Apartment Managers (AMs) and Resident Assistants (RAs) are upper-class students who have been carefully selected and trained to assist individuals on the floor and help maintain a healthy educational environment in the buildings. Area Coordinators are professional members of the Residence Life team who live in the residence hall setting. The residence life staff receives training in basic security and emergency situations.

Residence halls are locked 24-hours a day. Residents may obtain entry using the FOBs they were issued upon arriving. It is the responsibility of the student to ensure that his or her room is secure.

During Christmas Break, all students are required to vacate the halls except with permission from the Office of Residence Life. The halls are not fully staffed during this break, so keys and/or fobs are normally collected from students to limit access to the halls. During other breaks, students will not be asked to turn in their keys but will be required to notify their RA that they will be on campus at such time.

Hall meetings provide the opportunity for residents to learn about building security, campus and residential policies, and enforcement procedures.

All guests in the residence halls must have a student host and are subject to University policies and regulations. The host is responsible for the actions of, and any damages caused by the guest. Overnight guests are usually permitted on the weekends but may not stay more than two consecutive nights. If a roommate objects to the presence of an overnight

guest, that guest may not spend the night. Members of the opposite sex may only be on a floor or in a student room during visitation hours. However, main lounges in the residence halls are not subject to these restrictions. Visitation hours in the residence halls are from 10 a.m. to 1 a.m., Sunday-Thursday. There are no limits to visitation on Fridays and Saturdays except for first-semester freshmen, whose visitation on these days is between 10 a.m. and 2 a.m. Individual floors may choose to restrict hours even beyond the visitation guidelines set by the University.

All buildings are regularly inspected by Campus Safety and Security and Maintenance to ensure that all emergency lighting is working properly. They also ensure that all alarms, doors, and locks are working properly. Outside security concerns are addressed regularly.

### **FACILITY ACCESS POLICY**

During business hours, the University (excluding certain housing facilities) will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours, access to all University facilities is by key/FOB if issued by Campus Safety and Security, Facilities, or Residence Life. In the case of periods of extended closing, the University will admit only those with prior approval to all facilities.

Solicitation is strictly prohibited on campus unless prior approval is given by the Vice President for Student Life and Enrollment.

### **ADJACENT PUBLIC PROPERTY**

Crimes that occur within public property, including thoroughfares, streets, sidewalks, and parking facilities that is within the campus or immediately adjacent to and accessible from the campus will be reported.

### **OFF-CAMPUS ACTIVITY**

Morningside University does not recognize any off-campus organizations.

## **III. REPORTING PROCEDURES**

### **GENERAL PROCEDURES FOR REPORTING A CRIME OR EMERGENCY**

Community members, students, faculty, staff, and guests are encouraged to report crimes and public safety related incidents to the Campus Safety and Security Department in a timely manner.

To report a crime or an emergency, call Campus Safety and Security at 712-274-5234 or the Sioux City Police Department by dialing 911.

You also may contact the following people in Security, Student Services, Student Health, Residence Life, or Academic Affairs:

|   |   |
|---|---|
| Director of Safety and Security           | 712-274-5500, HJF Learning Center               |
| Assistant Director of Safety and Security | 712-274-5505, HJF Learning Center               |
| Dean of Students/Title IX Coordinator     | 712-274-5191, 1 <sup>st</sup> Floor, Lewis Hall |
| Director of Student Health                | 712-274-5178, Olsen Student Center              |
| Director of Residence Life                | 712-274-5335, Olsen Student Center              |
| Area Coordinator, Student Engagement      | 712-274-5339, Olsen Student Center              |
| Area Coordinator, Student Activities      | 712-274-5337, Olsen Student Center              |
| Personal Counselor                        | 712-274-5606, Olsen Student Center              |
| Vice President for Academic Affairs       | 712-274-5103, 1 <sup>st</sup> Floor, Lewis Hall |
| Vice President for Student Services       | 712-274-5257, 1 <sup>st</sup> Floor, Lewis Hall |
| Associate Academic Dean                   | 712-274-5292, 1 <sup>st</sup> Floor, Lewis Hall |

Campus Safety and Security is available 24 hours a day to answer your call. Once your call is received, Campus Safety and Security will take the appropriate action needed at the time of the incident. They will ask the victim(s) to file a report with the appropriate authorities at the time as well.

All Campus Safety and Security reports are forwarded to the appropriate people for further action. This may include Residence Life, the Dean of Students/Title IX Coordinator, Business Office, and in some cases, the Sioux City Police Department. Additional information collected during the investigation may be forwarded to the Sioux City Police Department unless the victim does not wish to pursue criminal charges.

If assistance is required from the Sioux City Police Department or Sioux City Fire Rescue, Campus Safety and Security will contact the appropriate unit. If a sexual assault should occur, staff at the scene, including Campus Safety and Security, will offer the victim a wide variety of services. Morningside University has access to a variety of agencies that assist the victims in these situations such as SafePlace (formerly Council on Sexual Assault and Domestic Violence (CSADV)). At any time, anyone can ask about these resources through the Director or Assistant Director of Campus Safety and Security, Dean of Students/Title IX Coordinator, Campus Chaplain, Director Student Health, or the Personal Counselor.

Crimes should be reported to the Campus Safety and Security Department or any of the aforementioned personnel to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the campus community, when appropriate. A person may still report a crime and not want to pursue criminal or campus charges.

## **CRIME REPORTING**

The Campus Safety and Security Department encourages anyone who is a victim or witness to any crime to promptly report the incident to Campus Safety and Security. Campus Safety and Security makes all attempts to keep information that would possibly jeopardize an investigation confidential until such time is deemed that such information can be released.

In most cases, in the daily crime log, names are left out for the privacy of such individuals. All Clery Act crimes are included in the Annual Security report.

### **CONFIDENTIAL REPORTING PROCEDURES**

If you are a victim of a crime and do not want to pursue action within the Morningside University system or the criminal justice system, you may still want to consider making a confidential report. With your permission, the Director of Safety and Security or a designee of the Campus Safety and Security Department can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the University can keep an accurate record of the number of incidents involving students, 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. Records filed in this manner are counted and disclosed in the annual crime statistics for the institution.

Campus Counselors as a result of the rulemaking process which followed the signing into law the 1998 amendments to 20 USC § 1092 (f), clarification was given to those considered to be campus security officials. Campus “pastoral counselors” and 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. As a matter of policy, they 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.

### **CRIME PREVENTION PROGRAMS**

Crime Prevention Programs on personal safety and theft prevention are sponsored by various campus organizations throughout the year. At the beginning of the year, the Office of Residence Life meet with all students to go over building rules and during this time, students are talked to about personal safety, in and out of the dorms. Campus Safety and Security personnel facilitate programs for students, faculty, staff, and student organizations, in addition to working with Residence Life on programs for students on how to protect themselves against sexual assaults, theft, and other crimes. New employees are given similar information during their orientation. During the year, various crime prevention and safety related information is sent out to the entire campus.

At all times, students, faculty, or staff can call Campus Safety and Security for an escort at any time. Campus Safety and Security also encourages students to walk with others and not alone at any time they do not feel safe, especially at night.

### **SECURITY AWARENESS PROGRAMS**

Any time during the year Campus Safety and Security, Residence Life, and Counseling Services are able and willing to offer students programs concerning personal safety. Programs include safety in the residence halls as well when they are on and off campus. Morningside University works with various local agencies and the Sioux City Police

Department to present various programs for the benefit of the students, faculty, and staff at the University.

All times Campus Safety and Security stresses safety starts with the student, faculty, and staff member.

When time is of an essence, information may be sent via the Morningside Electronic Notification System (ENS), campus email, or signs posted around campus.

If anyone would like to schedule a program for their group, they are encouraged to contact Campus Safety and Security at 712-274-5234 or the Office of Residence Life which will help in the planning of such programs.

## **SAFETY TIPS**

### *Personal Security Recommendations*

- Never walk alone at night. Use sidewalks.
- Walk in well-lit areas.
- Walk close to the curb, away from bushes and alleys.
- If you must walk alone, inform someone at your destination when to expect you so he or she will be waiting.
- Request an escort if you are alone during hours of darkness.
- If you are attacked, **SCREAM!!!** Bite, kick and stomp the attacker's foot with your heel. Do anything to bring public attention to your situation.
- Keep items of value out of sight.
- Safeguard any documents that include personal information that others could use to commit identity theft.
- Lock your door whenever you leave your room.
- Report any suspicious activity immediately to Campus Safety and Security or the Sioux City Police Department.

### *Residence Hall Safety and Security Advice*

- Lock your room door – even if you are just going to the restroom or into the room next door. Most crimes that occur on a residential campus are crimes of opportunity and happen when a door is left unlocked.
- Lock your door before you go to sleep.
- Do not prop open residence hall exterior doors.
- Do not lend your keys to anyone at any time.
- Inform your roommate or friends where you will be if you plan to remain away from your room overnight.
- Mark articles of value with an identifying number/mark. Photograph valuable property and keep a record of this information. Do not use your Social Security number or any other number that could have value to others.
- Notify Campus Safety and Security by calling 712-274-5234 if you need an escort from a parking lot, classroom building or residence hall.

### *Severe Weather Advice*

- Move to the lowest part of the building or a central hallway without windows
- Stay as far away from windows, mirrors, or unsecured objects such as dressers, cabinets, or bookcases.
- DO NOT USE ELEVATORS
- Be ready to assist those with disabilities
- Remain in the safe area until the warning has expired, and you have been given the all-clear from Campus Safety and Security or Residence Life
- Listen to local TV or radio stations on AM/FM radio or your weather radio
- Planning ahead and knowing where you are to go in severe weather situations could help save your life!

### *Armed Assailant Advice*

- Remain as calm as possible
- Lock and barricade yourself in the nearest room. Use large items to block the door. Try to tie the door closed if possible, with belts or other items.
- Turn off all lights.
- Close blinds.
- Turn off computers if possible.
- Silence cell phones.
- Get away from all windows and doors. Keep low to the ground but be prepared to act quickly.
- If you are able to, call the Sioux City Police Department by calling 911 with the location of the assailant and your location. Have someone else call Campus Safety and Security at 712-274-5234. When calling give your location, the number of individuals in your location, any injuries, the name of the assailant if possible, any descriptions of the individual, what they are wearing and have with them. Any information will assist them in finding the suspect.
- Try to remain on the line even if you are not speaking to allow the dispatcher to hear what is going on.
- Try to stay as quiet as possible; any noise will alert the shooter to your location.
- If you try to leave a secure area, have a plan in mind and leave any items behind as they will hinder you as you leave. When approached by the Police Dept. do not be alarmed, have your arms in the air, and work with them giving them any information that will lead them to the shooter. You may have to break a window to leave a room safely.
- If the assailant enters the room, you need to be prepared to use force. Use items in the room such as books, desks, chairs, or anything that you can throw at the assailant. Be prepared to overcome the assailant with force. Having a group of individuals trying to overcome the assailant maybe an option.

## **MISSING STUDENT POLICY**

Morningside University has adopted the following Missing Student Policy. This policy is in compliance with Section 488 of the Higher Education Act of 2008.

If a member of the Morningside University community has reason to believe that a residential student is missing, all possible efforts are made to locate the student to determine his or her state of health and well-being through collaboration of Campus Safety and Security, Student Services, Residence Life, and the missing student's family and friends.

Students wishing to identify a confidential contact or contacts should include this on housing form that is filled out with their Residence Life Residential Assistant (RA) at the beginning of the year, including those under the age of 18 that are not emancipated. This information will only be accessible to authorized campus officials, and may not be disclosed, except to law enforcement personnel in the furtherance of a missing person investigation.

If not located within 24 hours, the confidential contact(s) will be informed, and a University official will make an official missing person report with the law enforcement agency with jurisdiction unless it was the law enforcement agency is the one that made the missing person determination.

If the student is an un-emancipated minor, the parent will be notified within 24 hours of the determination that the student is missing along with their confidential contact(s). In the event that parental notification is necessary, a University official will place the call.

Anyone who believes a student to be missing should report their concern to Campus Safety and Security immediately. If Campus Safety and Security is not available, then Residence Life or the local law enforcement agency with jurisdiction should be notified.

### **WHO TO FILE A MISSING PERSON'S REPORT WITH:**

|   |              |
|---|--------------|
| Director of Safety and Security           | 712-274-5500 |
| Assistant Director of Safety and Security | 712-274-5505 |
| Dean of Students/Title IX Coordinator     | 712-274-5191 |
| Director of Residence Life                | 712-274-5335 |
| Area Coordinator, Student Engagement      | 712-274-5339 |
| Area Coordinator, Student Activities      | 712-274-5337 |
| Associate Dean for Academic Affairs       | 712-274-5292 |

### **Missing Student General Procedures:**

1. The Morningside official receiving the report will collect and document the following information at the time of the report:
  - a. The name and relationship of the person making the report.
  - b. The date, time, and location of the missing student was last seen.
  - c. The missing student's cell phone number (if known by the reporter)

2. The Morningside University official receiving the report will contact the Director of Campus Safety and Security who will in turn notify the Vice President for Student Life and Enrollment (or their designee) in order to inform him/her on the situation and to receive additional consultation. They will ascertain if/when any other members of the campus and the Vice President for University Engagement needs to be contacted.
3. Upon notification from an entity that a student may be missing, Morningside University may use any or all the following resources to assist in locating the student:
  - a. Call and text the student's cell phone and all any other numbers on record.
  - b. Check the student's room.
  - c. Check when their fob was last used.
  - d. Talk to the student's RA, roommate, and floor mates to see if anyone can confirm the missing student's whereabouts and/or confirm the date, time, and location the student was last seen.
  - e. Secure a current student ID (from Campus Safety and Security) or another photo of the student from a friend.
  - f. Send the student an email.
  - g. Information Services to check email logs or if they can ping their computer on campus.
  - h. Check all possible locations mentioned by the parties above including but not limited to, library, residence hall lounges, student commons, fitness center, etc. The Campus Safety and Security Department and the Office of Residence Life may be asked to assist in order to expedite the search process.
  - i. Contact or call other on-campus or off-campus friends or contacts that are made known. This includes checking a student's social networking sites such as Facebook or Twitter.
  - j. Ascertain the student's car make, model, and license plate number. A member of the Campus Safety and Security Department will also check Morningside University parking lots for the presence of the student's vehicle.
  - k. Send out an emergency notification text message via the Morningside University Emergency Notification System (ENS) to the campus alerting the campus of situation to ask for help in locating the student.
4. Once all information is collected and documented and campus officials have been consulted and it is determined that the person is missing, Morningside Campus Safety and Security will contact the local police with jurisdiction to report the information within 24 hours of the person being missing. If in the course of gathering information as described above, foul play is evident or strongly indicated, the police will be contacted immediately. If it is necessary to contact state authorities, police procedure and protocol will be followed by the University.

### **WEAPONS/FIREARMS**

For the entire campus's safety, shotguns, rifles, handguns, air guns, bows and arrows, ammunition and all other types of weapons are not permitted. There is no on-campus

storage allowed at any time, and no weapon may be stored in any vehicle located on campus. All types of explosives, including fireworks, are strictly prohibited on campus. Please refer to the Morningside University [Student Handbook](#) for additional prohibitions regarding residence halls.

### **ALCOHOL AND DRUGS**

The sale of alcoholic beverages on the Morningside University campus by any organization, person or group is strictly prohibited at any time. Students who are of the legal drinking age of 21 may possess or consume alcoholic beverages only in their private living quarters. If a student has a roommate, they, along with anyone else in the room, must be 21 also to consume alcohol in the room.

Morningside University complies with the Drug-Free Schools and Communities Act Amendments of 1989, Public Law 101-226. Illegal drugs and paraphernalia are prohibited on campus at all times. Morningside University works closely with the Sioux City Police Department and cooperates with all law enforcement agencies to ensure that all laws pertaining to illegal drugs are being enforced. Possession, use or distribution of any kind of illegal substance goes against Morningside University's commitment to the Siouxland Community, is illegal and could result in fines, suspension, and expulsion from campus.

### **HEALTH RISKS OF ALCOHOL AND DRUGS**

The negative physical and mental effects of the use of alcohol and other drugs are well-documented. Use of these drugs may cause: blackouts, poisoning and overdose; physical and psychological dependence; damage to vital organs such as the brain, heart and liver; inability to learn and remember information; and psychological problems including depression, psychosis and severe anxiety. Risks associated with specific drugs are described later in this section. Impaired judgment and coordination resulting from the use of drugs associated with acquaintance assault and rape: DUI/DWI arrests; hazing; falls, drowning and other injuries; contracting sexually transmitted diseases including AIDS; and unwanted or unplanned sexual experiences and pregnancy.

The substance abuse of family members and friends may also be of concern to students and employees. Patterns of risk-taking behavior and dependency not only interfere in the lives of the abuser but can also have a negative impact on the affected students' academic work, emotional well-being, and adjustment to University life.

The substance abuse of family members and friends may also be of concern to students and employees. Patterns of risk-taking behavior and dependency not only interfere in the lives of the abuser but can also have a negative impact on the affected students' academic work, emotional well-being, and adjustment to University life.

### **Student Penalties: Drugs**

Whether or not a criminal charge is brought, a student is also subject to University discipline for illegally manufacturing, distributing, possessing, or using any controlled substance (i) on University-owned or leased property or (ii) at University-sponsored or

supervised functions or (iii) under other circumstances involving a direct and substantial connection to the University. Any student found to have engaged in such conduct is subject to an entire range of sanctions, including suspension or expulsion.

Students who are charged through the Student Conduct System for drug violations and found responsible will be issued sanctions using the following minimum guidelines:

1. Possession or use of controlled substances or paraphernalia, including marijuana is strictly prohibited on the Morningside University campus. This includes private residence hall rooms as well as public areas. Those violating this policy will be fined a minimum of \$100 and the requirement of completing an online drug education course. Subsequent violations may result in housing suspension or dismissal from the University.
2. The misuse of prescribed and over-the-counter drugs is destructive to the welfare of students. The illegal possession, distribution, or use of drugs except as directed on over-the-counter drugs or as prescribed by a medical doctor, is prohibited.
3. Any student found to be possessing, using, or distributing such drugs will automatically be in violation of this policy and turned over to the local authorities.
4. Smell, haze in a room or area, and other evidence that strongly leads a reasonable person to believe that marijuana is being used is also in violation of this policy.
5. Any student found in violation may be sent for substance evaluation. Any violation of this policy will result in disciplinary action including possible suspension from the residence halls and other action as deemed necessary by the Dean of Students or the Office of Residence Life. Students found distributing drugs may be suspended from the institution. The University reserves the right to notify parents.

**NOTE:** Discretion may be used in applying sanctions in cases where violation is of such a nature to warrant additional or more severe actions.

### **Student Penalties: Alcohol**

Whether or not criminal charges are brought, all students are subject to University discipline for any violation of State alcohol laws that occurs (i) on University-owned or leased property, or (ii) at University-sponsored or supervised functions, or (iii) under other circumstances involving a direct and substantial connection to the University. Any student found to have engaged in such conduct is subject to the entire range of sanctions, including suspension and expulsion.

Students who are charged through the Student Conduct System for alcohol violations and found responsible will be issued sanctions using the following minimum guidelines:

- The first offense in an academic year. Violation of this type may result in a \$60.00 minimum fine and possible community service. Deferred judgments may be given if the student is cooperative with staff, the offence is not overly egregious, or aggravating circumstances (e.g. property damage) are not present. This is at the discretion of the Office of Residence Life.
- The second offense in an academic year. A \$100.00 minimum fine, possible notification of parents under the guidelines given by FERPA, possible community service, mandatory meeting with the Office of Residence Life, and/or possible

housing probation if deemed necessary by the Office of Residence Life. The fine may be reduced to \$60.00 upon successful completion of an online Alcohol Education Program. Any deferred judgments from a first offense are revoked and the initial fine and/or sanctions will be reinstated in addition to the second offense fine and/or sanctions.

- The third offense in an academic year. \$150 minimum fine, mandatory meeting with the Dean of Student or his/her designee, possible mandatory alcohol assessment\*, notification of parents, possible housing relocation and/or housing probation, and possible notification of campus support employees (coaches, advisers, support staff, etc.).
- The fourth offense in an academic year. A \$200 minimum fine, mandatory meeting with the Dean of Students, mandatory alcohol assessment\*, notification of parents and campus support employees, and possible housing suspension.

Possession of a keg, tapper, party ball, or alcohol punch: \$75.00 minimum and confiscation of prohibited items in addition to the appropriate sanctions for the offense.

Additional University disciplinary action, up to and including housing suspension, may be taken in the event of flagrant and repeated violation of these rules by a student. Failure to respond to a violation notice will result in a doubling of the initial fine which will be placed on the student's student account with the Business Office.

Students living on campus during Christmas break, Spring break, May term or summer who violate this policy may face immediate housing suspension for the remainder of that break as well as other disciplinary action at the discretion of the Office of Residence Life.

**NOTE:** Discretion may be used in applying sanctions in cases where violation is of such a nature to warrant additional or more severe actions.

\* Mandatory alcohol assessment is to be completed by a licensed mental health professional. Students must complete the regimen of meetings and activities as directed by the mental health professional until a time in which you both agree the services are no longer needed. You must sign a waiver allowing your counselor to provide the Office of Residence Life with documentation of your attendance and evaluation outcomes. Failure to complete the full regimen of meetings and activities or to provide the Office of Residence Life with documentation of your progress will result in immediate sanctions including, but not limited to, housing suspension. Arrangements for alcohol assessment can be made through the Office of Residence Life. Any costs associated with the alcohol assessment are the responsibility of the student and are typically done at a reduced rate.

### **EMPLOYEE SANCTIONS - ALCOHOL AND DRUGS**

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance by employees on University property, or while conducting business on behalf of the University off campus, is absolutely prohibited.

Violations of this prohibition by employees may result in the application of sanctions, including possible required participation in an approved drug abuse assistance or rehabilitation program, and disciplinary action up to and including termination of employment under applicable State and/or University regulations, University policies, statutes, and employment contracts. The severity of disciplinary action for violations of this policy shall be determined on a case-by-case basis.

#### **FEDERAL AND STATE OF IOWA PENALTIES — ALCOHOL**

Federal and Iowa law penalizes the unlawful possession, sale, use or distribution of alcohol. Penalties vary based on many factors including specific charges (i.e. whether charges are felonies or misdemeanors). Misdemeanor penalties may include confinement in jail for up to twelve months and/or fines up to \$1,500. Offenders may also lose their motor vehicle license for up to a year.

Felony penalties may include a term of imprisonment from one to five years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than 5 years and a fine of not more than \$7,500, either or both.

#### **FEDERAL AND STATE OF IOWA PENALTIES — DRUGS**

Federal and Iowa law penalizes the unlawful manufacturing, distribution, use, and possession of controlled substances, including prescription drugs. Synthetic designer drugs such as “bath salts,” “plant food,” and “carpet cleaner,” contain mixtures of many different chemicals, including those that resemble cocaine, methamphetamine, and MDMA or “ecstasy.” Federal law makes the distribution of “analogue” substances marketed for human consumption illegal if those substances are chemically similar to a scheduled illegal drug and have the same pharmacological effect on a user.

The penalties vary based on many factors, including the type and amount of the drug involved, and whether there is intent to distribute. Federal law sets penalties for first offenses ranging from less than one year to life imprisonment and/or fines up to \$10 million. Penalties may include forfeiture of property, including vehicles used to possess, transport or conceal a controlled substance, and the denial of professional licenses or federal benefits such as student loans. The punishment for the possession and/or distribution of a controlled substance is up to 20 years in prison and a fine up to \$1 million dollars. Convictions under Iowa law may be a misdemeanor or felony crimes with sanctions ranging from probation to life imprisonment and/or fines up to \$1 million. Iowa specifically prohibits the sale, gift, distribution, and possession of synthetic cannabinoids which carry penalties as an aggravated misdemeanor.

Federal law holds that any person who distributes, possesses with intent to distribute, or manufactures a controlled substance on or within one thousand feet of an educational facility is subject to a doubling of the applicable maximum punishments and fines. A similar Iowa law carries sanctions an additional five-year imprisonment.

## **ALCOHOL AND SUBSTANCE ABUSE INFORMATION**

### **PREVENTION PROGRAMS**

The University has developed a program to prevent the illicit use of drugs and the abuse of alcohol by students. The program provides services related to drug and alcohol use and abuse including dissemination of informational materials, educational programs, counseling services, referrals, and University disciplinary action.

Morningside University Residence Life and Personal Counseling Services provide the overall coordination of these programs. These programs include:

**Alcohol and Drug Education:** Programs by Residence Life staff and Personal Counseling services address issues of concern throughout the year.

**Counseling Services:** Morningside personal counselors will meet with students on alcohol and drug related issues.

**Referral Services:** if warranted, Residence Life and Counseling Services will have students seek off-campus counseling and referral services. Rosecrance: Jackson Recovery Centers is usually recommended.

**University Disciplinary Action:** In most cases, disciplinary action will be taken including fines and in severe cases, removal of the student(s) from the University, including classes and the residence halls. The student does have the right and ability to appeal the actions which are outlined in the [Student Handbook](#).

### **SEXUAL ABUSE - SEXUAL ASSAULT POLICY**

Morningside University is concerned about the safety and welfare of all campus members and guests and is committed to providing a living and learning environment, free of all forms of abuse, violence, harassment, and coercive conduct, including sexual misconduct. In an effort to promote the dignity and well-being of members of the campus community, the University is committed to addressing allegations of sexual abuse and/or sexual assault. The University will also provide educational programs to promote an awareness of rape, acquaintance rape, and other sex offenses. The University has developed this policy, which is consistent with the Student Right-To-Know and Campus Security Act, Public Law 101-542 (Clery Act), and State of Iowa Code 709

Morningside University will not tolerate sexual misconduct in any form. Sexual misconduct may include (but is not limited to) acquaintance or date rape, non-consensual sexual intercourse (or attempts to commit the same), non-consensual sexual contact (or attempts to commit the same), or sexual exploitation. Members of the Morningside University community are strongly encouraged to report all incidents of sexual misconduct. Reports of sexual misconduct received by the University will be taken seriously and will be investigated.

Acts of sexual misconduct may also have certain criminal and civil law repercussions. University personnel are available to assist victims in contacting law enforcement and emergency medical providers if the student so chooses.

When Morningside University determines that a case of sexual abuse and/or sexual assault might have taken place, the University will fulfill its legal obligation to report the same to the appropriate law enforcement or other legal authority for appropriate disposition.

This policy does not address acts of sexual harassment, also considered sexual misconduct, which is dealt with in a separate policy, also found in this report and in the [Student Handbook](#).

**Sexual Misconduct Offenses Include, But Are Not Limited To:**

Non-consensual sexual intercourse (or attempts to commit the same): Intercourse is narrowly defined. Non-consensual sexual intercourse is any sexual intercourse (anal, oral, or vaginal), however slight, with any object, by a man or woman upon a man or woman, without effective consent. This includes vaginal penetration by a penis, object, tongue, or finger, anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact or genital to mouth contact).

Non-consensual sexual contact (or attempts to commit the same): Non-consensual sexual contact is any sexual touching, however slight, with any object, by a man or woman upon a man or woman without effective consent. This includes any contact with the breasts, buttock, groin, or genitals, or touching another person with any of these body parts, or making another person touch you or themselves with or any of these body parts. Non-consensual sexual contact may also include unwanted disrobing or exposure.

Sexual Exploitation: Sexual exploitation occurs when an individual takes non-consensual, unjust sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses. Examples of sexual exploitation include, but not limited to, prostituting another student, non-consensual video or audiotaping of sexual activity, going beyond the boundaries of consent (such as your friends secretly watch you having consensual sex), voyeurism, and/or knowingly transmitting an STD or HIV to another student.

**Definitions:**

Pursuant to Iowa Code 709, the following is the statutory definition of sexual abuse:

**709.1. Sexual Abuse Defined.**

Any sex act between persons is sexual abuse by either of the participants when the act is performed with the other participant in any of the following circumstances:

- A. 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 or 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.

- B. Such other participant 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 abuse.
- C. Such other participant is a child.

**NOTE:** The term sex act or sexual activity means any sexual contact between two or more persons, by penetration of the penis into the vagina or anus, by contact between the mouth and genitalia or anus of another person, or by the use of artificial sexual organs, or substitutes therefore in contact with the genitalia or anus.

**NOTE:** A child is a person aged fourteen or younger.

#### 709.5. Resistance to Sexual Abuse.

Under the provisions of this chapter, it shall not be necessary to establish physical resistance by a participant in order to establish that an act of sexual abuse was committed by force or against the will of the participant. However, the circumstances surrounding the commission of the act may be considered in determining whether or not the act was done by force or against the will of the other.

#### 709.11. Assault with Intent to Commit Sexual Abuse.

Any person who commits an assault, as defined in Section 708.1, with the intent to commit sexual abuse is guilty of a Class "C" felony if the person thereby causes serious injury to any person and is guilty of a Class "B" felony if the person thereby causes any person a bodily injury other than a serious injury. The person is guilty of an aggravated misdemeanor if no injury results.

In addition to these terms as defined by the State of Iowa laws and regulations, Morningside University has identified these additional definitions as they pertain to Sexual Misconduct:

#### **Effective Consent**

Effective consent is informed, freely, and actively given mutually, understandable words or actions which indicate a willingness to participate in mutually agreed upon sexual activity. Consent is not effective if it results from the use physical force, threats, intimidation, or coercion. Silence is not consent. Previous sexual or other relationships may not be taken as indication of consent.

#### **Complainant (the Accuser)**

The person/persons filing the complaint with the University under the Domestic and Dating Abuse and Violence policy.

### **Respondent (the Accused)**

The person/persons names as the perpetrator in the complaint who is alleged to have committed an act in violation of this policy.

**If you have experienced or are experiencing sexual misconduct, please consider the following:**

- A. **Get to a safe place and seek out supportive people you can trust to assist you.** Contact a friend, resident assistant (R.A.), apartment manager (A.M.), head resident (H.R.), area coordinator (A. C.), residence life professional staff, campus Safety and Security, campus nurse, University staff or faculty, or someone you feel safe with.
- B. **Get medical attention.** If you are injured, you should consider going to the hospital of your choice as soon as it is safe and possible. Getting medical attention will allow trained medical professional to assess and treat any injuries you may have received and answer any questions about your physical health.
  - a. UnityPoint Health-St. Luke's, 2720 Stone Park Blvd. Sioux City, IA
  - b. MercyOne Medical Center-Sioux City, 801 5<sup>th</sup> Street, Sioux City, IA
- C. **Preserve all evidence.** Do not change your clothes, shower, bathe, or douche. If possible, do not go to the toilet. Save all clothing, linens or other items that may have been touched by the assailant so they may be given to the police for evidence. All physical evidence, including seminal fluids, hair, blood types and scrapings of flesh from the victim's fingernails is used in court.
- D. **Sexual Assault is a crime, and you are strongly encouraged to report it.** Reporting sexual abuse/sexual assault DOES NOT commit you to filing a complaint with the University or criminal charges with the Sioux City Police Department. You can make that decision later.

### **Reporting the Incident**

Students have the following four options to report any instance of Sexual Misconduct. You have the right to choose to do any or all of these options, or to do nothing. The choice is yours:

1. **Report the incident of abuse/violence, but choose not to file a complaint with the University or criminal chargers:**
  - a. A report is a written or typed account of what happened that is taken by Dean of Students/Title IX Coordinator or anyone listed as an On-Campus Resource for reporting Sexual Misconduct. This report is for documentation purposes only and will be kept on record with the University
  - b. If a student wishes NOT to pursue the case through the University conduct system, the student will be able to determine that when he/she provides his/her report.
  - c. If the student is unsure, he/she wishes to file a report, they are encouraged to file a report so that information about the incident is documented while it easily remembered.

- d. Having a sexual misconduct experience documented by a University staff member does not obligate you to report the incident to the Sioux City Police Department. Similarly, reporting directly to the Sioux City Police Department does not obligate you to file a complaint with Morningside University. These are separate processes.
- 2. File a formal complaint with the University:**
- a. This report is designated as a formal complaint by the complainant, and the University will investigate the incident as appropriate. A written or typed account of what occurred must be turned into the Dean of Students/Title IX Coordinator or anyone listed as an On-campus Resource for Reporting Sexual Misconduct.
  - b. A student will be able to choose not to pursue the case at any time throughout the process.
  - c. The University will investigate the incident, which may include speaking to the respondent (the accused), witnesses, and gathering other information. The University will then make recommendation or decision based upon the information presented. The investigation may take several days or weeks, depending on the circumstances.
  - d. Conduct processes, as outlined in the [Student Handbook](#), will be followed throughout the process of the complaint.
- 3. Pursue criminal charges**
- a. A student that wishes to file criminal charges will need to file an official report of the assault with the Sioux City Police Department. Responding officers could contact the proper authorities if the assault took place outside their respective jurisdiction.
  - b. On-Campus Resources for reporting Sexual Misconduct, the Office of Residence Life and Campus Safety and Security can assist you in contacting the Sioux City Police Department.
  - c. Filing a report with the Sioux City Police Department does not obligate a student to follow through with legal action or action through the University.
- 4. Pursue both University and criminal charges**
- a. The process outlined in Option #2 and Option #3 occurs at the same time.
  - b. University proceedings and criminal investigations and adjudication of the incident occur independently.

Incidents of sexual abuse/sexual assault may be reported either by the victim or by another person who shall serve as a liaison with the appropriate University personnel. The information given regarding incidents of sexual misconduct will be kept confidential to the fullest extent permitted by law and be handled with the student's privacy and discretion in mind.

**Get Help and support.** Counseling can provide guidance to your healing in a confidential setting. The University's Personal Counselor can also provide referrals to supportive organizations and other off-campus resources. Personal Counseling may be contacted at 712-274-5606.

The University recognizes that persons who are victims of sexual abuse/sexual assault have an important personal need for advocacy and support. The University's Dean of Students/Title IX Coordinator maintains a record of advocacy and support services available, i.e., SafePlace (formerly Council on Sexual Assault and Domestic Violence (712-258-7233)) and other agencies that may assist in this regard. The campus and the community offer services to assist the victim of Domestic and Dating Abuse and Violence, including the transportation to the hospital, as advocates in the legal process, and in working towards psychological recovery from assault.

### **Confidentiality**

If you have been affected by an incident involving sexual misconduct you may wish to seek confidential counseling and support. You could speak with any of the following **confidentially**. They will listen and explain options and will maintain information received as private. They will not share confidential information with University personnel others unless required to do so by law. All of the following resources are free of charge.

**Talking to any of the following resources (even those on campus) DOES NOT constitute reporting the incident.**

|  |                                 |
|--|---------------------------------|
| Student Health Nurse<br>Olsen Student Center Lower Level                 | 712-274-5178                    |
| Personal Counselor<br>Student Services, Olsen Student Center Lower Level | 712-274-5606                    |
| SafePlace (formerly Council on Sexual Assault and Domestic Violence)     | 712-258-7233                    |
| National Coalition Against Domestic Violence                             | 1-800-799-SAFE (1-800-799-7233) |

Members of local clergy, pastors, etc.

**NOTE:** Morningside University complies with federal laws requiring the annual reporting of crimes statistics in accordance with the Clery Act and the Violence Against Women Act (VAWA)/Campus SaVE Act. Morningside University must disclose non-personally identifiable information regarding incidents of sexual misconduct.

### **On Campus "Mandatory Reporting" Resources**

Students should be aware that almost all faculty and staff members and most offices are considered "mandatory reporting resources" This means that they are required by law to file an official report with the University if talked about sexual misconduct. Because the University takes allegations and reports of sexual misconduct very seriously, we expect faculty and staff to report all allegations. The following mandatory reporting individuals and offices are equipped to follow up on allegations of sexual misconduct. These

individuals and offices will do so with respect and for the privacy of those allegedly involved in the incident.

### **On-Campus “Mandatory Reporting” Resources**

|   |   |
|---|---|
| Director of Safety and Security           | 712-274-5500, HJF Learning Center               |
| Assistant Director of Safety and Security | 712-274-5505, HJF Learning Center               |
| Dean of Students/Title IX Coordinator     | 712-274-5191, 1 <sup>st</sup> Floor, Lewis Hall |
| Director of Student Health                | 712-274-5178, Olsen Student Center              |
| Director of Residence Life                | 712-274-5335, Olsen Student Center              |
| Area Coordinator, Student Engagement      | 712-274-5339, Olsen Student Center              |
| Area Coordinator, Student Activities      | 712-274-5337, Olsen Student Center              |
| Vice President for Academic Affairs       | 712-274-5103, 1 <sup>st</sup> Floor, Lewis Hall |
| Vice President for Student Services       | 712-274-5257, 1 <sup>st</sup> Floor, Lewis Hall |
| Associate Academic Dean                   | 712-274-5292, 1 <sup>st</sup> Floor, Lewis Hall |

### **Off Campus Resources for Reporting**

|  |                     |
|--|---------------------|
| Sioux City Police Department   | 911 or 712-279-6960 |
| SafePlace (formerly Council on Sexual Assault and Domestic Violence) | 712-258-7233        |

### **Disciplinary Actions**

Violations of the sexual misconduct policy will result in disciplinary action for any perpetrator who is found in violation of the policy under University disciplinary procedures. The disciplinary action may include counseling to understand the impact of this behavior on others and may result in action including suspension from University. Any student perpetrator who is found by the University to be in violation of the sexual misconduct policy may be suspended indefinitely from the institution.

Both the complainant and the respondent are entitled to the same opportunity to have others present during a conduct committee hearing as outlined in the Students’ Rights, Freedoms, and Responsibilities Statement.

Both the complainant and respondent shall be informed of the outcomes of any campus disciplinary proceeding brought by alleging sexual misconduct.

The Room Transfer Policy in the [Student Handbook](#) states that the University has the right to change a student’s room assignment for medical, disciplinary, or health reasons. As stated in the Students’ Rights, Freedoms, and Responsibilities Statement, a student has the right to be present on campus and attend classes except for reasons relating to the student’s physical well-being or for reasons relating to the safety of students, faculty, or staff, or University property.

All Morningside University students have the right to feel safe in their residence hall rooms, as it is their home. If a student feels unsafe in their residence hall room, the student should

contact the Office of Residence Life to discuss options. Options may include a room transfer within their same residence hall, temporary housing arrangements, or moving to a different residence hall entirely. For more information, please contact the Office of Residence Life at 712-274-5161. Offices as On-Campus Resources can assist you in contacting Residence Life to explore housing options if you do not feel comfortable doing so.

Morningside University students also have the right to feel safe in attending their classes so that students can be successful academically. If you would like to discuss possible options for alternate academic arrangements, please contact the Associate Dean for Academic Affairs at 712-274-5388.

### **Rights of the Complainant**

- To be free from any suggestions or feeling obligated that the complainant MUST report the crimes.
- To be able to choose the level of involvement in the University Disciplinary proceedings against the respondent, including the right to an advocate.
- To have any allegations of sexual misconduct treated seriously and without judgment.
- To be treated with dignity.
- To be free from any suggestions the complainant is responsible for the commission of crimes against her/him.
- To be free from any pressure personnel to:
  - Refrain from reporting policy violations
  - Report policy violations in the complainant does not wish to do so.
  - Report policy violations as lesser offenses.

### **Rights of the Respondent**

- To be provided with a full and complete explanation of the charges.
- To be presumed innocent unless proven otherwise.
- To be provided with an explanation of the possible range of sanctions or punishments.
- To cross-examine witnesses and to testify on his/her own behalf.
- To remain silent during hearing proceedings.
- To present witnesses and documentary evidence, and an explanation or argument on his/her behalf.

### **False Reporting**

Morningside University will not tolerate intentional false reporting of sexual misconduct. It is a violation of University policy to make an intentionally false report of sexual misconduct, and it may also violate state criminal statutes and civil defamation laws.

### **Statement Regarding Non-Retaliation**

The University is committed to protecting the rights of both the complainant and respondent in situations involving sexual misconduct. Retaliation against members of the

University community who make good faith reports regarding potential University-related violations of laws, regulations, or University policies is prohibited, and violators may be subjected to disciplinary action up to and including dismissal or expulsion from the University.

## **HARASSMENT AND DISCRIMINATION**

Morningside University is committed to fostering a healthy, living, learning, and working environment and to upholding the dignity and integrity for all members of the campus community. The University does not discriminate on the basis of sex, race, age, color, creed, national or ethnic origin, sexual orientation, gender identity, or disability. All forms of verbal, written, or physical harassment or discrimination will not be tolerated by the University. Harassment and discrimination inhibit the student educational experience and is not in accordance with the University's values of ethical leadership and civic responsibility.

Harassment is defined as any unwanted or unwelcome physical, verbal, or written conduct of behavior that unreasonably impedes with a member of the campus community's performance, both in and out of the classroom, or by creating an environment of hostility, intimidation, or an offensive behavior. Harassment may include, but is not limited to, verbal, written, or physical threats, attitudes of condescension, bullying, stereotyping, intimidation, pranks, jokes, stalking, vandalism, and other forms of disrespect and intolerance that disrupt living and learning environment of a student and weaken the greater campus.

### **Harassment may be present when:**

- A. Such conduct as purpose or effect of unreasonably interfering with an individual's academic work performance or of creating an intimidating, hostile, or offensive situation or environment; or
- B. Submission to or rejection of such conduct by an individual is used on the basis for academic or employment decisions affecting that individual; or
- C. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education or employment.

Additionally, Morningside University recognizes the impact of technology and electronic and social media has on our campus. Using electronic mail, text messaging, social networking sites, and other forms of technology to harass, annoy, abuse, or torment others, threaten violence, or incite or produce lawless action is subject to the University's policy on Computer Ethics and Network Acceptable Use (found in the [Student Handbook](#)), as well as the Harassment, Sexual Harassment, and Hate Crimes policies, and may be handled through the University's student conduct process.

The University takes reports of harassment and discrimination seriously. Students who believe they have been subjected to forms of harassment are encouraged to report such incidents to the Dean of Students/Title IX Coordinator. Faculty and staff are encouraged to

report such incidents to the Director of Human Resources. When a formal complaint is filed, the University reserves the right to conduct an investigation and impose sanctions or corrective measures as deemed appropriate and in accordance with University policies. All reports and investigations of harassment will be done as discreetly as possible; however, full confidentiality or anonymity may not be attainable. Retaliation against persons making a report of an incident in good faith will not be tolerated and will be subject to additional University disciplinary actions as deemed appropriate.

The University prohibits harassment of or by members of the University community, guests, or visitors to campus. Sexual harassment violates both University policy and, when a student is the victim, Title IX of the Educational Amendments of 1972; or when an employee is the victim, Title VII of the Civil Rights Act of 1964, as amended.

### **Formal Complaint Procedures**

Any person who believes that he or she has been subjected to harassment may file a formal complaint. The campus representative is available to assist with the composition of such a complaint. Guidelines governing the formal complaint stage are as follows:

1. The complainant will file a signed statement indicating the name(s) of the accused, the nature and date(s) of the incident(s) and a statement indicating that this is a formal complaint.
2. The written complaint will be forwarded to the campus representative for initiating the judicial process.
3. The campus representative will promptly notify the respondent of the complaint and will conduct a full, impartial, and timely investigation into the alleged incident. Both parties shall be allowed to have an advisor of their choosing at any hearing. In order to investigate fully, the campus representative may confer with any personnel he/she feels is appropriate. The campus will be using a preponderance of the evidence standard for the evidence. All written records will be retained in a locked, secure area to protect the rights of all concerned parties and will be treated with the highest level of confidentiality.

### **Resources**

Students, faculty, staff, and administrators are encouraged to discuss concerns related to sexual harassment with the resources listed below:

#### **Campus Resources**

*Campus Representatives:*

Director of Human Resources, 1<sup>st</sup> Floor, Lewis Hall, 712-274-5114

Dean of Students/Title IX Coordinator, 1<sup>st</sup> floor, Lewis Hall, 712-274-5191

Vice President for Academic Affairs, 1<sup>st</sup> floor, Lewis Hall, 712-274-5103

Personal Counseling Services – lower level, Olsen Student Center, 712-274-5606

Student Health Services - lower level, Olsen Student Center, 712-274-5178  
Campus Safety and Security - main floor, Olsen Student Center, 712-274-5234  
Residence Life - lower level, Olsen Student Center, 712-274-5161  
Campus Ministry - first floor, Olsen Student, 712-274-5148

### **Off-Campus Resources**

SafePlace (formerly Council on Sexual Assault and Domestic Violence) - 712-258-7233  
Centers Against Abuse and Sexual Assault: 712-255-2432  
MercyOne Medical Center-Sioux City - 712-279-2010  
Unity Point Health-Sioux City- 712-279-3500  
Sioux City Police Department - 712-279-6960

### **Disciplinary Actions**

Violations of the harassment policy will result in disciplinary action for any perpetrator who is found guilty of the offense under University disciplinary procedures. The disciplinary action may include counseling to understand the impact of this behavior on others and may result in action including suspension from University. Any student perpetrator who is found by the University to be guilty of harassment may be suspended indefinitely from the institution.

Both the complainant and the respondent are entitled to the same opportunity to have others present during a conduct committee hearing as outlined in the Students' Rights, Freedoms, and Responsibilities Statement.

Both the complainant and respondent shall be informed of the outcomes of any campus disciplinary proceeding brought by alleging harassment.

The Room Transfer Policy in the [Student Handbook](#) states that the University has the right to change a student's room assignment for medical, disciplinary, or health reasons. As stated in the Students' Rights, Freedoms, and Responsibilities Statement, a student has the right to be present on campus and attend classes except for reasons relating to the student's physical well-being or for reasons relating to the safety of students, faculty, or staff, or University property.

All Morningside University students have the right to feel safe in their residence hall rooms, as it is their home. If a student feels unsafe in their residence hall room, the student should contact the Office of Residence Life to discuss options. Options may include a room transfer within their same residence hall, temporary housing arrangements, or moving to a different residence hall entirely. For more information, please contact the Office of Residence Life at 712-274-5161. Offices as On-Campus Resources can assist you in contacting Residence Life to explore housing options if you do not feel comfortable doing so.

Morningside University students also have the right to feel safe in attending their classes so that students can be successful academically. If you would like to discuss possible

options for alternate academic arrangements, please contact the Associate Dean for Academic Affairs at 712-274-5388.

### **Rights of the Complainant**

- To be free from any suggestions or feeling obligated that the complainant MUST report the crimes.
- To be able to choose the level of involvement in the University Disciplinary proceedings against the respondent, including the right to an advocate.
- To have any allegations of harassment treated seriously and without judgment.
- To be treated with dignity.
- To be free from any suggestions the complainant is responsible for the commission of crimes against her/him.
- To be free from any pressure personnel to:
  - Refrain from reporting policy violations
  - Report policy violations in the complainant does not wish to do so.
  - Report policy violations as lesser offenses.

### **Rights of the Respondent**

- To be provided with a full and complete explanation of the charges.
- To be presumed innocent unless proven otherwise.
- To be provided with an explanation of the possible range of sanctions or punishments.
- To cross-examine witnesses and to testify on his/her own behalf.
- To remain silent during hearing proceedings.
- To present witnesses and documentary evidence, and an explanation or argument on his/her behalf.

### **False Reporting**

Morningside University will not tolerate intentional false reporting of harassment. It is a violation of University policy to make an intentionally false report of harassment, and it may also violate state criminal statutes and civil defamation laws.

### **Statement Regarding Non-Retaliation**

The University is committed to protecting the rights of both the complainant and respondent in situations involving sexual misconduct. Retaliation against members of the University community who make good faith reports regarding potential University-related violations of laws, regulations, or University policies is prohibited, and violators may be subjected to disciplinary action up to and including dismissal or expulsion from the University.

### **Domestic Violence/Abuse, Dating Violence/Abuse, and Stalking Policy**

Morningside University is concerned about the safety and welfare of all members of the campus community and is committed to providing living and learning environment, free of all forms of abuse, violence, harassment, and coercive conduct, including domestic abuse, dating violence, and intimate partner violence. In an effort to promote the dignity and well-

being of members of the campus community, the University is committed to addressing allegations of domestic abuse, dating violence, and the like. The University provides educational programs to promote the overall awareness of domestic and dating violence and abuse and maintains a list of resources both on and off campus. The University has developed this policy which is consistent with the Domestic Violence Against Women Act and State of Iowa Code 708.

Morningside University will not tolerate acts of domestic and dating violence. Incidents of domestic and dating violence and abuse may include (but not limited to) physical assault and aggressive behavior such as hitting, punching, or choking; sexual violence or forcible, non-consensual sex acts between intimate partners (or attempts to commit the same); and emotional abuse. Members of the Morningside University community are strongly encouraged to report all incidents of domestic and dating violence and abuse. Reports of domestic and dating violence and abuse received by the University will be taken seriously and will be investigated.

Domestic and Dating Violence/Abuse may also have certain criminal and civil law repercussions. University personnel are available to assist victims in contacting law enforcement and emergency medical providers if the student so chooses.

**Definition of Terms:**

Morningside University has adopted several definitions based on statutory laws of the State of Iowa, the United States Department of Justice and through established best practices.

Pursuant to Iowa Code 708 and Chapter 236, the following is the statutory definition of domestic abuse in the state of Iowa.

**Domestic Violence**

A felony or misdemeanor crime of violence committed:

- A. By a current or former spouse or intimate partner of the victim
- B. By a person with whom the victim shares a child in common
- C. By a person who is cohabitating with, or has cohabitated with the victim as a spouse or intimate partner
- D. By a person similarly situated to a spouse or the victim under domestic or family violence laws of the jurisdiction in which the violence occurred.
- E. By any other person against an adult or youth victim who is protected from the person's acts under domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Domestic violence is a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate,

manipulate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone. This may include:

Physical abuse: Hitting, slapping, shoving, grabbing, pinching, biting, hair pulling, etc. are types of physical abuse. This type of abuse also includes denying a partner medical care or forcing alcohol and/or drugs use upon him or her.

Sexual abuse: Coercing or attempting to coerce any sexual contact or behavior without consent. Sexual abuse includes, but is certainly not limited to, marital rape, attacks on sexual parts of the body, forcing sex after physical violence has occurred or treating one in a sexually demeaning manner.

Economic abuse: Is defined as making or attempting to make an individual financially dependent by maintaining total control over financial resources, withholding one's access to money, or forbidding one's attendance at school or employment.

Psychological abuse: Elements of psychological abuse include, but not limited to, causing fear by intimidation, threatening physical harm to self, partner, children, or partner's family or friends, destruction of pets or property, and forcing isolation from family, friends, or school and/or work.

**Domestic Abuse under Iowa Chapter 236:**

"Domestic abuse" means committing assault as defined in section 708.1 under any of the following circumstances:

- a. The assault is between family or household members who reside together at the time of the assault.
- b. The assault is between separated spouses or persons divorced from each other and not residing together at the time of the assault.
- c. The assault is between persons who are parents of the same minor child, regardless of whether they have been married or have lived together at any time.
- d. The assault is between persons who have been family or household members residing together within the past year and are not residing together at the time of the assault.
- e. (1) The assault is between persons who are in an intimate relationship or have been in an intimate relationship and have had contact within the past year of the assault. In determining whether the person is or have been in intimate relationship, the court may consider:
  - o The duration of the relationship
  - o The frequency of interaction
  - o Whether the relationship has been terminated
  - o The nature of the relationship characterized by either party's expectation of sexual romantic involvement.(2) A person may be involved in intimate relationship with more than one person at a time.

**Assault under Iowa Code 708.1:**

An assault as defined in this section is general intent crime. A person commits an assault when, without justification, the person does any of the following:

1. 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.
2. 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.
3. Intentionally points any firearm toward another or displays in a threatening manner any dangerous weapon towards another. Provided that where the person doing any of the above enumerated acts, and such other person, are voluntary participants in a sport, social, or other activity, not in itself criminal, and such act is reasonably foreseeable incident of such sport or activity and does create an unreasonable risk of serious injury or breach of the peace the act shall not be an assault.

Provided, that where the person doing any of above enumerated acts is employed by a school district or accredited nonpublic school, or is an area education agency staff member who provides services to a school or school district, and intervenes in a fight or physical struggle, or other disruptive situation, that takes place in the presence of the employee or staff member performing employment duties in a school building, on school grounds, or at an official school function regardless of the location, the act shall not be an assault, whether the fight or physical struggle or other disruptive situation is between students or other individuals, if the degree and the force of the intervention is reasonably necessary to restore order and to protect the safety of those assembled.

**Dating Violence**

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

(i) 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.

(ii) For the purposes of this definition--

(A) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

(B) Dating violence does not include acts covered under the definition of domestic violence.

## **Stalking**

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to--

- (A) Fear for the person's safety or the safety of others; or
- (B) Suffer substantial emotional distress.

For the purposes of this definition--

- (A) *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, surveys, threatens, or communicates to or about a person, or interferes with a person's property.
- (B) *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
- (C) *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling

## **Additional terms as defined by Morningside University:**

### **Complainant (the Accuser)**

The person/persons filing the complaint with the University under the Domestic and Dating Abuse and Violence policy.

### **Respondent (the Accused)**

The person/persons names as the perpetrator in the complaint who is alleged to have committed an act in violation of this policy.

### **Response**

If you have experienced or are experiencing domestic and dating violence or abuse, please consider the following:

- A. Get to a safe place and seek out supportive people you can trust to assist you.** Contact a friend, resident assistant (R.A.), apartment manager (A.M.), head resident (H.R.), area coordinator (A. C.), residence life professional staff, campus Safety and Security, campus nurse, University staff or faculty, or someone you feel safe with.
- B. Create a safety plan.** The campus offices and resources listed above can help in identifying strategies and other measures that can be taken to enhance your personal safety and security. Safety plans may take in account your living situation, attending classes, and other regular campus activities and may aid in reducing any

anxiety, fear, or intimidation after an accident. A safety plan can be obtained through Residence Life, Student Services, or Campus Safety and Security.

- C. **Get medical attention.** If you are injured, you should consider going to the hospital of your choice as soon as it is safe and possible. Getting medical attention will allow trained medical professional to assess and treat any injuries you may have received and answer any questions about your physical health.
  - a. UnityPoint Health-St. Luke's, 2720 Stone Park Blvd. Sioux City, IA
  - b. MercyOne Medical Center-Sioux City, 801 5<sup>th</sup> Street, Sioux City, IA
- D. **Write Down (document) what happened.** Make some personal notes about the incident from your perspective, when it happened, how the events of the incident took place, etc. This information may be helpful if you choose to report the incident to the University or the Sioux City Police Department. Personal notes may also help you remember what happened at a later time. If you have evidence (voicemails, texts, emails, social media, etc.) it is important to keep it so that it may be added to your case if necessary.
- E. **Seek Help and Support.** Domestic and Dating Violence/Abuse can be a traumatic experience. Students are encouraged to seek assistance from a therapist or counselor to help process the events.
- F. **Domestic and Dating Violence and Abuse is a crime, and you are strongly encouraged to report it.** Reporting sexual abuse/sexual assault DOES NOT commit you to filing a complaint with the University or criminal charges with the Sioux City Police Department. You can make that decision later.

**Get help and support.** Counseling can provide guidance to your healing in a confidential setting. The University's Personal Counselor can also provide referrals to supportive organizations and other off-campus resources. Personal Counseling may be contacted at 712-274-5606.

The University recognizes that persons who are victims of Domestic and Dating Abuse and Violence have an important personal need for advocacy and support. The University's Dean of Students/Title IX Coordinator maintains a record of advocacy and support services available, i.e., SafePlace (formerly Council on Sexual Assault and Domestic Violence (712-258-7233)), Center Against Abuse and Sexual Assault (712-255-2432), and other agencies that may assist in this regard. The campus and the community offer services to assist the victim of Domestic and Dating Abuse and Violence, including the transportation to the hospital, as advocates in the legal process, and in working towards psychological recovery from assault.

## **Reporting the Incident**

Students have the following options to report any instances of Domestic and Dating Violence and Abuse. You have the right to choose to do any or all of these options, or to do nothing. The choice is yours:

- 1. Report the incident of abuse/violence, but choose not to file a complaint with the University or criminal charges:**
  - c. A report is a written or typed account of what happened that is taken by the Dean of Students/Title IX Coordinator or anyone listed as an On-Campus Resource for reporting Domestic and Dating Abuse and Violence. This report is for documentation purposes only and will be kept on record with the University
  - d. If a student wishes NOT to pursue the case through the University conduct system, the student will be able to determine that when he/she provides his/her report.
  - e. If the student is unsure, he/she wishes to file a report, they are encouraged to file a report so that information about the incident is documented while it easily remembered.
  - f. Having a Domestic and Dating Abuse and Violence experience documented by a University staff member does not obligate you to report the incident to the Sioux City Police Department. Similarly, reporting directly to the Sioux City Police Department does not obligate you to file a complaint with Morningside University. These are separate processes.
- 2. File a formal complaint with the University:**
  - a. This report is designated as a formal complaint by the complainant, and the University will investigate the incident as appropriate. A written or typed account of what happened is taken by the Dean of Students/Title IX Coordinator or anyone listed as an On-campus Resource for Reporting Domestic and Dating Abuse and Violence.
  - b. A student will be able to choose not to pursue the case at any time throughout the process.
  - c. The University will investigate the incident, which may include speaking to the respondent (the accused), witnesses, and gathering other information. The University will then make recommendation or decision based upon the information presented. The investigation may take several days or weeks, depending on the circumstances.
  - d. Conduct processes, as outlined in the [Student Handbook](#), will be followed throughout the process of the complaint, including allowing both parties to have a representative at any hearing and using a preponderance of evidence standard.
- 3. Pursue criminal charges**
  - a. A student that wishes to file criminal charges will need to file an official report of the assault with the Sioux City Police Department. Responding officers could contact the proper authorities if the assault took place outside their respective jurisdiction.

- b. On-Campus Resources for reporting Domestic and Dating Abuse and Violence, the Office of Residence Life, and Campus Safety and Security can assist you in contacting the Sioux City Police Department.
- c. Filing a report with the Sioux City Police Department does not obligate a student to follow through with legal action or action through the University.

**4. Pursue both University and criminal charges**

- a. The process outlined in Option #2 and Option #3 occurs at the same time.
- b. University proceedings and criminal investigations and adjudication of the incident occur independently.

Incidents of Domestic and Dating Abuse and Violence may be reported either by the victim or by another person who shall serve as a liaison with the appropriate University personnel. The information given regarding incidents of Domestic and Dating Abuse and Violence will be kept confidential to the fullest extent permitted by law and be handled with the student’s privacy and discretion in mind.

**Confidentiality**

If you have been affected by an incident involving Domestic and Dating Abuse and Violence you may wish to seek confidential counseling and support. You could speak with any of the following **confidentially**. They will listen and explain options and will maintain information received as private. They will not share confidential information with University personnel or others unless required to do so by law. All of the following resources are free of charge. **Talking to any of the following resources (even those on campus) DOES NOT constitute reporting the incident.**

|  |                                 |
|--|---------------------------------|
| Student Health Nurse<br>Olsen Student Center Lower Level             | 712-274-5178                    |
| Personal Counselor<br>Student Services, Olsen Student Center         | 712-274-5606                    |
| SafePlace (formerly Council on Sexual Assault and Domestic Violence) | 712-258-7233                    |
| National Coalition Against Domestic Violence                         | 1-800-799-SAFE (1-800-799-7233) |

Members of local clergy, pastors, etc.

**NOTE:** Morningside University complies with federal laws requiring the annual reporting of crimes statistics in accordance with the Clery Act and the Violence Against Women Act (VAWA)/Campus SaVE Act. Morningside University must disclose non-personally identifiable information regarding incidents of Domestic and Dating Abuse and Violence.

**On-Campus “Mandatory Reporting” Resources**

|   |   |
|---|---|
| Director of Safety and Security           | 712-274-5500, HJF Learning Center               |
| Assistant Director of Safety and Security | 712-274-5505, HJF Learning Center               |
| Dean of Students/Title IX Coordinator     | 712-274-5191, 1st Floor, Lewis Hall             |
| Director of Student Health                | 712-274-5178, Olsen Student Center              |
| Director of Residence Life                | 712-274-5335, Olsen Student Center              |
| Area Coordinator, Student Engagement      | 712-274-5339, Olsen Student Center              |
| Area Coordinator, Student Activities      | 712-274-5337, Olsen Student Center              |
| Personal Counselor                        | 712-274-5606, Olsen Student Center              |
| Vice President for Academic Affairs       | 712-274-5103, 1 <sup>st</sup> Floor, Lewis Hall |
| Vice President for Student Services       | 712-274-5257, 1 <sup>st</sup> Floor, Lewis Hall |
| Associate Academic Dean                   | 712-274-5292, 1 <sup>st</sup> Floor, Lewis Hall |

**Off Campus Resources for Reporting**

|  |                     |
|--|---------------------|
| Sioux City Police Department   | 911 or 712-279-6960 |
| SafePlace (formerly Council on Sexual Assault and Domestic Violence) | 712-258-7233        |

**Disciplinary Actions**

Violations of the Domestic Abuse and Violence Policy will result in disciplinary action for any perpetrator who is found guilty of the offense under University disciplinary procedures. The disciplinary action may include counseling to understand the impact of this behavior on others and may result in action including suspension from University. Any student perpetrator who is found by the University to be guilty of Domestic and Dating Abuse and Violence may be suspended indefinitely from the institution.

Both the complainant and the respondent are entitled to the same opportunity to have others present during a conduct committee hearing as outlined in the Students’ Rights, Freedoms, and Responsibilities Statement.

Both the complainant and respondent shall be informed of the outcomes of any campus disciplinary proceeding brought by alleging Domestic and Dating Abuse and Violence.

The Room Transfer Policy in the [Student Handbook](#) states that the University has the right to change a student’s room assignment for medical, disciplinary, or health reasons. As stated in the Students’ Rights, Freedoms, and Responsibilities Statement, a student has the right to be present on campus and attend classes except for reasons relating to the student’s physical well-being or for reasons relating to the safety of students, faculty, or staff, or University property.

All Morningside University students have the right to feel safe in their residence hall rooms, as it is their home. If a student feels unsafe in their residence hall room, the student should

contact the Office of Residence Life to discuss options. Options may include a room transfer within their same residence hall, temporary housing arrangements, or moving to a different residence hall entirely. For more information, please contact the Office of Residence Life at 712-274-5161. Offices as On-Campus Resources can assist you in contacting Residence Life to explore housing options if you do not feel comfortable doing so.

Morningside University students also have the right to feel safe in attending their classes so that students can be successful academically. If you would like to discuss possible options for alternate academic arrangements, please contact the Associate Dean for Academic Affairs at 712-274-5388.

### **Rights of the Complainant**

- To be free from any suggestions or feeling obligated that the complainant **MUST** report the crimes.
- To be able to choose the level of involvement in the University Disciplinary proceedings against the respondent, including the right to an advocate.
- To have any allegations of Domestic and Dating Abuse and Violence treated seriously and without judgment.
- To be treated with dignity.
- To be free from any suggestions the complainant is responsible for the commission of crimes against her/him.
- To be free from any pressure personnel to:
  - Refrain from reporting policy violations
  - Report policy violations in the complainant does not wish to do so.
  - Report policy violations as lesser offenses.

### **Rights of the Respondent**

- To be provided with a full and complete explanation of the charges.
- To be presumed innocent until proven otherwise.
- To be provided with an explanation of the possible range of sanctions or punishments.
- To cross-examine witnesses and to testify on his/her own behalf.
- To remain silent during hearing proceedings.
- To present witnesses and documentary evidence, and an explanation or argument on his/her behalf.

### **False Reporting**

Morningside University will not tolerate intentional false reporting of Domestic and Dating Abuse and Violence. It is a violation of University policy to make an intentionally false report of Domestic and Dating Abuse and Violence, and it may also violate state criminal statutes and civil defamation laws.

### **Statement Regarding Non-Retaliation**

The University is committed to protecting the rights of both the complainant and respondent in situations involving Domestic and Dating Abuse and Violence. Retaliation against members of the University community who make good faith reports regarding potential University-related violations of laws, regulations, or University policies is prohibited, and violators may be subjected to disciplinary action up to and including dismissal or expulsion from the University.

### **Investigation Process for cases of Dating Violence, Domestic Violence, Sexual Assault, and Stalking**

1. Student or Employee files a complaint with one of the aforementioned individuals.
2. Initial investigation will confirm the validity of the claims
3. Two trained investigators will be assigned to the case by the Title IX Coordinator/Dean of Students.
4. Investigators will meet with parties involved and witnesses to gather facts.
5. Investigators will allow each party to look over the findings to ensure accuracy of information before sending it to the Title IX Coordinator. Parties will have 10 days to review the information.
6. Investigators will render a recommendation to the Title IX Coordinator and a Deputy Coordinator.
7. The Coordinator and Deputy Coordinator will review evidence and either agree with the recommendation or render their own finding from the evidence.
8. The Coordinator will then send the findings and penalties to those parties involved.
9. Parties have 10 days for appeal.

### **Orders of Protection and Restraining Orders**

Morningside University will work with local, state, and tribal authorities to enforce all orders of protection, restraining orders, and other similar lawful orders issued by criminal, civil, and tribal courts. This will include escorting individuals off campus or contacting local law enforcement for assistance in removing individuals from campus property and/or buildings as needed. It is the right of the victim to have a safe place to live and attend school free from the threat of previous perpetrators.

### **Notification of Final Results**

Morningside University will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim.

## **Policy on the Reporting of Suspected Child Abuse**

### **I. PURPOSE**

The purpose of this policy is to provide guidance to staff, faculty, and students of the Morningside University community regarding the mandatory requirements in Iowa law that govern the reporting of suspected cases of child abuse; and to affirm the commitment of the University to the protection of the safety and welfare of children who come into contact with the Morningside University community.

### **II. DEFINITIONS**

A. "Abuse" means:

1. The physical or mental injury of a child by a person who has permanent or temporary care or custody or responsibility for supervision of a child; or
2. Sexual abuse of a child, whether physical injuries are sustained or not, defined as any act that involves sexual molestation or exploitation of a child by a parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child.

B. "Child" means any individual under the age of 18 years.

### **III. REPORTING REQUIREMENTS**

A. Reporting Requirements for any University employee, who in the scope of the employee's employment responsibilities examines, attends, counsels, or treats a child.

1. Any University employee who has reason to believe that a child has been physically or sexually abused shall report this suspicion as follows:
  - A. A verbal report shall be made as immediately as is practicable, within 48 hours of the event that caused the employee to believe that a child has been subject to abuse:
  - B. To the Director of Safety and Security, or the Campus Conduct Hotline.
  - C. Nothing shall limit an employee from reporting directly to law enforcement.
2. An incident report shall also be provided to the Vice President for Business and Finance within 48 hours of the event that caused the employee to believe that a child has been subject to abuse.
  - a. The report shall include the following information, to the extent that it is known by the employee:
    1. The name, age, and home address of the child.
    2. The name and home address of the parent or other person responsible for the care of the child.
    3. The child's whereabouts.
    4. The nature and extent of the suspected abuse, including any information regarding possible previous instances of abuse; and
    5. Any other information that may help to identify the person responsible for the abuse or determine the cause.

B. Questions Regarding the Reporting Requirements.

Questions regarding the applicability of these requirements to a particular individual or situation may be directed to Vice President for Business and Finance.

#### **IV. POLICY IMPLICATIONS AND CONSEQUENCES**

A. Failure to Report.

Any employee who fails to report suspected child abuse in violation of this policy may be subject to discipline for misconduct, up to and including termination of the employee's employment.

B. Confidentiality.

The confidentiality of a report of suspected child abuse, including the identity of an individual who makes a report under this policy, the individual suspected of abuse, and the child who may have been abused, will be protected consistent with relevant federal and state laws.

C. Retaliation

No employee will suffer retaliation for reporting alleged instances of child abuse. Any person found to have made an unsubstantiated complaint with intentional dishonesty or malice will also be subject to appropriate corrective action.

#### **V. RESPONSIBILITIES OF THE INSTITUTION**

A. Information Dissemination.

Employees, students and other members of the campus community shall be informed of this policy through [Employee](#) or [Student Handbook](#), and any other appropriate means of communication.

B. Training.

Employees and students who have regular contact with children will receive periodic training in the requirements of this policy.

C. Cooperation with Other Agencies.

The University will cooperate fully and appropriately with any investigation of suspected child abuse by a local department of social services or law enforcement agency. If the individual suspected of child abuse is an employee, student, or contractor of the University, the University will coordinate its own investigation or other activities in response to a report with the appropriate local agency.

#### **SEX OFFENDER REGISTRATION**

In accordance with the "Campus Sex Crimes Prevention Act" of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act, and the Family Educational Rights and Privacy Act of 1974, the Campus Safety and Security Department is providing a link to the Iowa Sex Offender Registry. This act requires institutions of higher education to issue a statement advising the campus community where information provided by a state law enforcement agency concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice of each institution of higher education in the State at which the person is employed, carries a vocation, or is a student. In the State of

Iowa, sex offenders must register through the Iowa Sex Offenders Registry which is maintained by the Department of Public Safety.

The Iowa Sex Offenders Registry: <http://www.iowasexoffender.com/>

### **HATE CRIMES POLICY**

Hate Crimes are defined as any crime that manifests evidence that a victim was selected because of his/her actual or perceived race; gender; gender identity; religion; sexual orientation; ethnicity; national origin or disability. A hate crime is not a separate, distinct crime, but is the commission of a criminal offense which was motivated by the offender's bias. If the facts of the case indicate that the offender was motivated to commit the offense because of his/her bias against the victim's perceived race; gender; gender identity; religion; sexual orientation; ethnicity; national origin or disability, the crime is classified as a hate crime. Hate Crime, as defined in Iowa Code 729.A.2 means one of the following public offenses (assault, criminal mischief, trespass, arson) when committed against a person or person's property because of the person's race, color, religion, national origin, political affiliation, sex, sexual orientation, gender identity, age, disability, or a person's association with a person of any of the above determinants.

**Assault** is defined in Iowa Code 708.1 is any act committed without justification intended to cause pain or injury; insulting or offensive physical contact; intention to place another in fear; threats involving firearms or dangerous weapons.

**Criminal Mischief** as defined in Iowa Code 761.1 is any intentional damage, defacing, alteration, or destruction of tangible property.

**Trespass** as defined in Iowa Code 716.7 is entering property without permission of the owner with intent to commit public offense; remaining after being requested to abstain or vacate; or removing, altering, or damaging items.

**Arson** as defined in Iowa Code 712.1 is causing fire or explosion; placing burning or combustible incendiary or explosive materials or devices in or near property with intent to destroy or damage such property or with knowledge that property be damaged, whether damage results or not.

### **Policy:**

The University may discipline any student in non-academic matters if he or she is found to have committed the following misconduct on University premises or functions sponsored by or participated in by the University:

- A. Any behavior that is directed at a specific person or group of persons, and which creates an environment wherein the behavior is inherently likely to provoke a violent action whether or not it actually does so.
- B. Behavior by any student, in class or out of class, which for any reason whether it stems from time, place, or type of behavior-disrupts the class work of others,

involves substantial disorder, invades the rights of others, or otherwise disrupts the regular and essential operation of the University.

- C. Participation in a campus demonstration: See Freedom of Inquiry and Expression in the [Student Handbook](#).
- D. Behavior of any kind that involves an expressed or implied threat to interfere with an individual's personal safety, academic efforts, employment, or participation in University sponsored extracurricular activities. The sanction or sanctions imposed by the University upon a student may be enhanced when the student has:
  - 1. Violated the lawful regulations in the Student Code,
  - 2. Intentionally selected the person or persons against whom the underlying violation was committed or selected property which was damaged or otherwise affected by the student code because of race, religion, color, disability, sexual orientation, national origin, or ancestry of that group of persons or the owner(s) or occupant(s) of that property. Whether the intent required (as specified in the paragraph above) is present shall be determined by consideration of all relevant circumstances.

### **Reporting the Incident**

Students have the following options to report any instances of hate crimes. You have the right to choose to do any or all of these options, or to do nothing. The choice is yours:

- 1. Report the incident of abuse/violence, but choose not to file a complaint with the University or criminal charges:**
  - g. A report is a written or typed account of what happened that is taken by the Dean of Students/Title IX Coordinator or anyone listed as an On-Campus Resource for reporting hate crimes. This report is for documentation purposes only and will be kept on record with the University
  - h. If a student chooses NOT to pursue the case through the University conduct system, the student will be able to determine that when he/she provides his/her report.
  - i. If the student is unsure, he/she wishes to file a report, they are encouraged to file a report so that information about the incident is documented while it easily remembered.
  - j. Having a hate crime experience documented by a University staff member does not obligate you to report the incident to the Sioux City Police Department. Similarly, reporting directly to the Sioux City Police Department does not obligate you to file a complaint with Morningside University. These are separate processes.
- 2. File a formal complaint with the University:**
  - a. This report is designated as formal complaint by the complainant, and the University will investigate the incident as appropriate. A written or typed account of what happened is taken by the Dean of Students/Title IX Coordinator or anyone listed as an On-campus Resource for Reporting Hate Crime Policy violation.
  - b. A student will be able to choose not to pursue the case at any time throughout the process.

- c. The University will investigate the incident, which may include speaking to the respondent (the accused), witnesses, and gathering other information. The University will then make recommendation or decision based upon the information presented. The investigation may take several days or weeks, depending on the circumstances.
- d. Conduct processes, as outlined in the [Student Handbook](#), will be followed throughout the process of the complaint.

**3. Pursue criminal charges**

- a. A student that wishes to file criminal charges will need to file an official report of the assault with the Sioux City Police Department. Responding officers could contact the proper authorities if the assault took place outside their respective jurisdiction.
- b. On-Campus Resources for reporting hate crime violations, the Office of Residence Life, and Campus Safety and Security can assist you in contacting the Sioux City Police Department.
- c. Filing a report with the Sioux City Police Department does not obligate a student to follow through with legal action or action through the University.

**4. Pursue both University and criminal charges**

- a. The process outlined in Option #2 and Option #3 occurs at the same time.
- b. University proceedings and criminal investigations and adjudication of the incident occur independently.

Incidents of hate crimes may be reported either by the victim or by another person who shall serve as a liaison with the appropriate University personnel. The information given regarding incidents of hate crimes will be kept confidential to the fullest extent permitted by law and be handled with the student's privacy and discretion in mind.

**Disciplinary Actions**

Violations of the Hate Crime Policy will result in disciplinary action for any perpetrator who is found guilty of the offense under University disciplinary procedures. The disciplinary action may include counseling to understand the impact of this behavior on others and may result in action including suspension from University. Any student perpetrator who is found by the University to be guilty of hate crimes may be suspended indefinitely from the institution.

Both the complainant and the respondent are entitled to the same opportunity to have others present during a conduct committee hearing as outlined in the Students' Rights, Freedoms, and Responsibilities Statement.

Both the complainant and respondent shall be informed of the outcomes of any campus disciplinary proceeding brought by alleging hate crimes.

The Room Transfer Policy in the [Student Handbook](#) states that the University has the right to change a student's room assignment for medical, disciplinary, or health reasons. As stated in the Students' Rights, Freedoms, and Responsibilities Statement, a student has the

right to be present on campus and attend classes except for reasons relating to the student's physical well-being or for reasons relating to the safety of students, faculty, or staff, or University property.

All Morningside University students have the right to feel safe in their residence hall rooms, as it is their home. If a student feels unsafe in their residence hall room, the student should contact the Office of Residence Life to discuss options. Options may include a room transfer within their same residence hall, temporary housing arrangements, or moving to a different residence hall entirely. For more information, please contact the Office of Residence Life at 712-274-5161. Offices as On-Campus Resources can assist you in contacting Residence Life to explore housing options if you do not feel comfortable doing so.

Morningside University students also have the right to feel safe in attending their classes so that students can be successful academically. If you would like to discuss possible options for alternate academic arrangements, please contact the Associate Dean for Academic Affairs at 712-274-5388.

### **Rights of the Complainant**

- To be free from any suggestions or feeling obligated that the complainant **MUST** report the crimes.
- To be able to choose the level of involvement in the University Disciplinary proceedings against the respondent, including the right to an advocate.
- To have any allegations of hate crimes treated seriously and without judgment.
- To be treated with dignity.
- To be free from any suggestions the complainant is responsible for the commission of crimes against her/him.
- To be free from any pressure personnel to:
  - Refrain from reporting policy violations
  - Report policy violations in the complainant does not wish to do so.
  - Report policy violations as lesser offenses.

### **Rights of the Respondent**

- To be provided with a full and complete explanation of the charges.
- To be presumed innocent unless proven otherwise.
- To be provided with an explanation of the possible range of sanctions or punishments.
- To cross-examine witnesses and to testify on his/her own behalf.
- To remain silent during hearing proceedings.
- To present witnesses and documentary evidence, and an explanation or argument on his/her behalf.

### **False Reporting**

Morningside University will not tolerate intentional false reporting of hate crimes. It is a violation of University policy to make an intentionally false report of hate crimes, and it

may also violate state criminal statutes and civil defamation laws.

### **Statement Regarding Non-Retaliation**

The University is committed to protecting the rights of both the complainant and respondent in situations involving hate crimes. Retaliation against members of the University community who make good faith reports regarding potential University-related violations of laws, regulations, or University policies is prohibited, and violators may be subjected to disciplinary action up to and including dismissal or expulsion from the University.

### **EMPLOYEE INVESTIGATIONS**

Employees of the college will follow the same investigation process of students.

Employees should report incidents of sexual misconduct, harassment, stalking, domestic abuse, dating violence, sexual assault to the following:

- Director of Safety and Security
- Human Resources Director
- Title IX Coordinator
- Vice President for Academic Affairs

### **Rights of the Complainant**

- To be free from any suggestions or feeling obligated that the complainant MUST report the crimes.
- To be able to choose the level of involvement in the University Disciplinary proceedings against the respondent, including the right to an advocate.
- To have any allegations of hate crimes treated seriously and without judgment.
- To be treated with dignity.
- To be free from any suggestions the complainant is responsible for the commission of crimes against her/him.
- To be free from any pressure personnel to:
  - Refrain from reporting policy violations
  - Report policy violations in the complainant does not wish to do so.
  - Report policy violations as lesser offenses.

### **Rights of the Respondent**

- To be provided with a full and complete explanation of the charges.
- To be presumed innocent unless proven otherwise.
- To be provided with an explanation of the possible range of sanctions or punishments.
- To cross-examine witnesses and to testify on his/her own behalf.
- To remain silent during hearing proceedings.
- To present witnesses and documentary evidence, and an explanation or argument on his/her behalf.

### **Disciplinary Actions**

Violations by employees may result in the application of sanctions, including possible required participation in an approved drug abuse assistance or rehabilitation program, and disciplinary action up to and including termination of employment under applicable State and/or University regulations, University policies, statues, and employment contracts. The severity of disciplinary action for violations of any policy shall be determined on a case-by-case basis.

### **Education Programs: Sexual Assault, Domestic Violence, Dating Violence, Stalking, and Bystander Intervention**

Educational programing is done throughout the year in the residence halls and on campus through the assistance of Campus Safety and Security, Residence Life, Student Activities, and various other campus and local organizations. All programs are open to the entire campus including students, faculty, and staff to attend. Information is also posted throughout campus via posters, sent out via email, and posted on the Myside intranet website.

Below is a list of the resident hall educational activities. Several of the programs were done multiple times across campus in different residence halls. Many were done several times throughout the year in the various halls.

|  |
|--|
| "Keep Calm and Check Your Boobies"               |
| A shot of Information                            |
| Alcohol & Law                                    |
| Alcohol and substance awareness                  |
| Alcohol Awareness Presenter                      |
| Alcohol Awareness Talk                           |
| Alcohol Education                                |
| Alcohol, parties, and the law                    |
| Alcohol/Substance Awareness                      |
| Area 51 Watch Party and Sexual Assault Education |
| Bae-goals  |
| Beer Goggle Pong and Games                       |
| Ben and Jerry's in your PJ's                     |
| Beyonce- Single Ladies                           |
| Bulletin board: drink drank drunk                |
| C.L Lindsey                                      |
| Casino night                                     |

On campus activities included emails and posters on and to the entire campus. Many of the programs were done across campus at various times. Commuters were informed of this information through emails sent out to the campus throughout the year.

## **SECURITY ALERTS**

Morningside University makes timely reports to the campus community regarding crimes reported to Campus Safety and Security and/or the Sioux City Police Department that are considered a threat to other students and employees. In the case of a major emergency or severe weather, alerts are posted via the *Morningside Electronic Notification System*, which will alert all students, faculty, and staff via a text message to their cell phone and an email to their university email account. They may also be posted in the residence halls, the Olsen Student Center and in the campus newspaper, the *Collegian Reporter*. In some instances, the alerts will be broadcast via KMSC Fusion 92.9, the campus radio station. In the case of a major emergency, updates will be posted to the University website and messages will be sent out via the *Electronic Notification System*. In the case of the campus being closed due to weather, a message will also be sent out using the *Electronic Notification System* from the Academic Affairs Office. Crime and Security alerts will be issued via an e-mail sent out to all students, faculty, and staff alerting them of crimes that may put the campus at-risk for both short-and long-term periods of time. Security Alerts are advisories reminding the campus community of crime trends, not necessarily in response to a specific crime.

## **TIMELY WARNINGS**

In the event that a situation arises, either on or off campus, that in the judgment of the Director of Campus Safety and Security or his designee constitutes an ongoing or continuing threat, a campus wide “timely warning” will be issued without delay to the campus community and the proper law enforcement authorities will be contacted, if appropriate.

Timely warnings will include the following:

- Date/time of the incident,
- Location
- Nature of the crime
- Information that promotes safety such as crime prevention and safety tips
- Information that will assist individuals in protecting themselves

Situations which a timely warning would be issued:

- Reoccurring sexual assaults
- Armed robbery on or near campus
- Attempted robbery on or near campus
- Any situation that could pose a serious or ongoing threat to the campus community

The following people/offices can issue (write and issue) timely warnings:

- Director of Safety and Security
- Assistant Director of Safety and Security
- Dean of Students/Title IX Coordinator
- Director of Residence Life
- Vice President for University Engagement

Timely warnings will be issued via the Morningside Emergency Notification System (ENS) and email. Timely warnings will not include any victims' names. Anyone with information that would warrant a timely warning should report the information to Campus Safety and Security by phone at 712-274-5234 or in the Safety and Security Office in the Hickman-Johnson-Furrow Learning Center.

Morningside College is not required to issue a timely warning with respect to crimes reported to a campus counselor or the campus chaplain.

### **EMERGENCY NOTIFICATIONS**

If there is a significant emergency or dangerous situation involving an immediate threat to the health or safety of the campus and community, an emergency notification will be sent to the campus community via the Emergency Notification System. The message will contain what the threat is and what you should do to protect yourself from the threat.

Upon confirmation of the threat, an emergency notification will be sent to the campus immediately, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgement of the responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

Morningside University uses an Opt-Out System for the Emergency Notification System. All students, faculty, and staff are automatically enrolled in the system when they supply a cellphone number to the University. All students, faculty, and staff will receive an email notification whenever there is an alert being sent out even if they opt out of the cellphone notifications.

### **Situations that an emergency notification could include issued but not limited to:**

- Armed assailant
- Hostage/barricade situation
- Riots
- Severe weather (tornadoes, etc.)
- Fire/explosion
- Suspicious death
- Gas leak
- Outbreaks of serious illnesses
- Suspicious package
- Hazardous materials spill

### **Process of issuing an Emergency Notification:**

1. Confirm there is a significant emergency or dangerous situation.
2. Determine the appropriate segment or segments of the campus to receive the notification
  - a. Entire campus

- b. Partial segment of the campus
3. Determine the content the notification will include
  - a. Weather related
  - b. Campus threat (armed assailant)
  - c. Health related (illness outbreak)
  - d. Hazardous materials spill
4. Initiate the Emergency Notification System (text and email)

**The following people/offices can issue (write and issue) emergency notifications:**

- Director of Safety and Security
- Assistant Director of Safety and Security
- Dean of Students/Title IX Coordinator
- Director of Residence Life
- Vice President for University Engagement

As the situation unfolds, follow up notifications will be sent to keep the campus informed of any changes that have occurred. A timely warning may be issued as well if the situation changes in the case of an armed individual shooting an individual.

**EMERGENCY PROCEDURES**

Morningside University maintains an emergency response plan to guide it through a sensitive or dangerous situation. Examples are, but not limited to, fires, explosions, natural disasters, and violent crime events. When such an event is verified, the University community will be notified via the Emergency Notification System and action will be taken immediately to isolate the affected area, remove those in the affected area, and stabilize the area pending arrival of emergency response organizations. An emergency will be declared, and the University Emergency Operations Center (EOC) will be established to resolve the situation and support any non-campus organizations called in to resolve the situation. When the EOC had determined the emergency has ended and it is safe to return to campus or resume regular activities, notice will be sent out to the entire campus community. Depending on the duration of an emergency, information will be sent out to the campus alerting them of the status of the situation and the possible closing of campus for a period.

**Process of alerting campus and surrounding area**

1. Once a report is received the Director of Safety and Security or his designee will check its validity if possible.
2. If possible, the Director of Safety and Security or his designee will confer with the Associate VP of Business and Finance/Controller on the report.
3. If not possible, an alert will be sent out to the campus that a report has been received without any delay. If only a portion of campus is affected, that affected segment will be notified.
4. Once the appropriate message is formed, the notification will be sent out to campus.

5. Depending on the situation, the alert will include information on what to do such as evacuating a certain area, shelter in place, and so on. This will be determined at the time of the report and the appropriate notification will be sent out.
6. Information will be sent to the local media if it is deemed necessary to ensure the safety of those around campus.

### **TESTING OF EMERGENCY RESPONSE AND EVACUATION PROCEDURES**

Evacuation drills are coordinated by Campus Safety and Security and Residence Life in all the residence halls and apartments four times a year. Students will learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. Campus Safety and Security and Residence Life does not notify residents in advance about the evacuation drills to mimic a real-life situation so they will treat it accordingly. Designated long-term locations are planned out depending on the location of the residence hall and the availability of the locations. Campus Safety and Security and Residence Life will make the determination if a long-term location will be needed at the time of the incident and plan accordingly.

Email notifications are sent out concerning evacuation procedures concerning academic buildings. Faculty and staff are encouraged to communicate with their students and their respective offices on where they will meet if they do need to evacuate and what to expect.

The entire campus is notified of emergency procedures every semester via email and during hall meetings. All tornado shelters are clearly marked on campus and the list is communicated to the entire campus so they can prepare in the event they need to be used. The campus is notified of what to do during all types of emergencies and this information is also readily available online on the Campus Safety and Security website.

### **MORNINGSIDE UNIVERSITY CRIME STATISTICS**

#### **Annual Disclosure of Crime Statistics**

The Morningside University Campus Safety and Security Department prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crimes Statistics Act (Clery Act) (20 USC § 1092). This report is prepared in cooperation with the Sioux City Police Department, Residence Life, Campus Security Authorities (CSA), and the Dean of Students/Title IX Coordinator. Each of these areas provides updated information on crime statistics and their educational efforts and programs to comply with the Act.

Campus crime, arrest and referral statistics include those reported to the Campus Safety and Security Office, designated campus officials, (including but not limited to directors, deans, department heads, resident life staff, advisors to students/student organizations, and athletic coaches), and local law enforcement agencies. Student Services and counseling staff inform their clients of the procedures to report crime to Campus Safety and Security



|                        |   |   |   |
|------------------------|---|---|---|
| Burglary               | 1 | 1 | 0 |
| Motor vehicle theft    | 0 | 0 | 0 |
| Arson                  | 0 | 0 | 0 |
| Negligent manslaughter | 0 | 0 | 0 |

**Public Property**

|                                     |   |   |   |
|-------------------------------------|---|---|---|
| Murder / Non-negligent manslaughter | 0 | 0 | 0 |
| Rape                                | 0 | 0 | 0 |
| Fondling                            | 0 | 0 | 0 |
| Incest                              | 0 | 0 | 0 |
| Statutory Rape                      | 0 | 0 | 0 |
| Stalking                            | 0 | 0 | 0 |
| Domestic Violence/Abuse             | 0 | 0 | 0 |
| Dating Violence/Abuse               | 0 | 0 | 0 |
| Robbery                             | 0 | 0 | 0 |
| Aggravated assault                  | 0 | 0 | 0 |
| Burglary                            | 0 | 0 | 0 |
| Motor vehicle theft                 | 0 | 0 | 0 |
| Arson                               | 0 | 0 | 0 |
| Negligent manslaughter              | 0 | 0 | 0 |

**Non-Campus Property**

|                                     |   |   |   |
|-------------------------------------|---|---|---|
| Murder / Non-negligent manslaughter | 0 | 0 | 0 |
| Rape                                | 0 | 0 | 0 |
| Fondling                            | 0 | 0 | 0 |
| Incest                              | 0 | 0 | 0 |
| Statutory Rape                      | 0 | 0 | 0 |
| Stalking                            | 0 | 0 | 0 |
| Domestic Violence/Abuse             | 0 | 0 | 0 |
| Dating Violence/Abuse               | 0 | 0 | 0 |
| Robbery                             | 0 | 0 | 0 |
| Aggravated assault                  | 0 | 0 | 0 |
| Burglary                            | 0 | 0 | 0 |
| Motor vehicle theft                 | 0 | 0 | 0 |
| Arson                               | 0 | 0 | 0 |
| Negligent manslaughter              | 0 | 0 | 0 |

**Hate Offenses**

Morningside University had no reportable hate offenses for 2018, 2019, or 2020

## Arrests/Referrals/Fines

### On Campus

#### **Liquor law violations**

|           |    |    |    |
|-----------|----|----|----|
| Arrests   | 0  | 0  | 0  |
| Referrals | 48 | 32 | 16 |

#### **Drug law violations**

|           |   |    |    |
|-----------|---|----|----|
| Arrests   | 0 | 0  | 0  |
| Referrals | 2 | 21 | 14 |

#### **Illegal weapons possessions**

|           |   |   |   |
|-----------|---|---|---|
| Arrests   | 0 | 0 | 0 |
| Referrals | 0 | 0 | 0 |

### Residence Halls

#### **Liquor law violations**

|           |    |    |    |
|-----------|----|----|----|
| Arrests   | 0  | 0  | 0  |
| Referrals | 48 | 32 | 16 |

#### **Drug law violations**

|           |   |   |    |
|-----------|---|---|----|
| Arrests   | 2 | 0 | 0  |
| Referrals | 2 | 9 | 11 |

#### **Illegal weapons possessions**

|           |   |   |   |
|-----------|---|---|---|
| Arrests   | 0 | 0 | 0 |
| Referrals | 0 | 0 | 0 |

### Public Property

#### **Liquor law violations**

|           |   |   |   |
|-----------|---|---|---|
| Arrests   | 0 | 0 | 0 |
| Referrals | 0 | 0 | 0 |

#### **Drug law violations**

|           |   |   |   |
|-----------|---|---|---|
| Arrests   | 0 | 0 | 0 |
| Referrals | 0 | 0 | 0 |

#### **Illegal weapons possessions**

|           |   |   |   |
|-----------|---|---|---|
| Arrests   | 0 | 0 | 0 |
| Referrals | 0 | 0 | 0 |

### Off-Campus Property

#### **Liquor law violations**

|           |   |   |   |
|-----------|---|---|---|
| Arrests   | 0 | 0 | 0 |
| Referrals | 0 | 0 | 0 |

#### **Drug law violations**

|           |   |   |   |
|-----------|---|---|---|
| Arrests   | 0 | 0 | 0 |
| Referrals | 0 | 0 | 0 |

#### **Illegal weapons possessions**

|           |   |   |   |
|-----------|---|---|---|
| Arrests   | 0 | 0 | 0 |
| Referrals | 0 | 0 | 0 |

## *Definitions*

### **Criminal Homicide**

- **Murder and non-negligent Manslaughter** is defined as the willful (non-negligent) killing of one human being by another
- **Negligent manslaughter** is defined as the killing of another person through gross negligence

**Rape** is the unlawful sexual activity and usually sexual intercourse carried out forcibly or under threat of injury against the will usually of a female or with a person who is beneath a certain age or incapable of valid consent.

**Fondling** is to feel for sexual pleasure, especially against their will.

**Incest** is the crime of having sexual intercourse with a parent, child, sibling, or grandchild.

**Statutory Rape** law is violated when a person has consensual sexual intercourse with an individual under age 16. A close in age exemption allows teens aged 14 and 15 to consent to partners less than 4 years older.

**Robbery** is the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Aggravated assault** is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by the means likely to produce death or great bodily harm.

**Burglary** is the unlawful entry of a structure to commit a felony or a theft. (Each bedroom in a student housing is considered a separate dwelling.)

**Motor vehicle theft** is the theft or attempted theft of a motor vehicle

**Arson** is any willful or malicious burning or attempt to burn with or without intent to defraud, a dwelling, house, a public building, motor vehicle, or person property of another person

**Simple Assault** is the unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness

**Intimidation** is to unlawfully place another person in a reasonable fear of bodily harm through the use of threatening words, and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

**Vandalism of Property** is to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or person having custody or control of it.

**Weapons: Carrying, possessing, etc.,** is defined as the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

**Drug abuse violations** are defined as the violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, transportation, or importation of any controlled drug or narcotic. Arrests for the violations of state and local laws, specifically those relating to the unlawful possession, sale, growing, manufacturing, and making narcotic drugs.

**Liquor Law Violations** are defined as the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, and transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

**Domestic Violence** is any felony or misdemeanor crime committed by a current or former spouse of the victim; a person the victim has a child with; an individual who lives or has lived, with the victim as a spouse, or a person similarly situated to a spouse; and any other person committing an act “against an adult or youth victim who is protected from that person’s acts under domestic or family violence laws of the jurisdiction.”

**Dating Violence** means violence committed by a person who is, or has been, in a relationship—of social, romantic, or intimate nature—with a victim.

**Stalking** is defined as engaging in conduct directed at an individual that would cause any reasonable person to fear for their safety or that of others, or that inflicts emotional distress.

*Anyone may request to see the statistics at any time. A hard copy may be presented at a person’s request. Prospective students and their parents may request to see or have a hard copy presented to them during their visits to campus. All students and employees have access to these records by stopping at the Campus Safety and Security Office located in the Hickman-Johnson-Furrow Learning Center.*



**MORNINGSIDE  
UNIVERSITY**

**Campus Safety and Security**

*2020 Annual  
Fire Report*  
10/1/2021

*The Morningside University experience  
cultivates a passion for life-long learning  
and a dedication to ethical leadership and civic responsibility*

## **FIRE REPORT INTRODUCTION**

Morningside University takes precautions to prevent fires from occurring in all campus residence halls. The Residence Life Staff, Campus Safety and Security, and building maintenance and custodial staffs are all trained in how to use fire extinguishers, how to evacuate students and staff, and how to call Sioux City Fire Rescue annually. All fire extinguishers are checked annually by law and if one is noticed to be missing and/or used, it is immediately replaced or recharged for future use.

However, it takes precautions by everyone, including all students that are living in the residence halls to help prevent fires from happening at all. Students can take precautions such as not leaving laptop computers on beds or blankets, not using open flames (candles, matches, lighters) in the dorms, and checking electrical cords to ensure that if they are torn, they are replaced.

### **ITEMS NOT PERMITTED IN THE DORMS**

The following are not permitted in the residence halls at any time:

- Open flames (candles, lighters, matches)
- Smoking
- Microwaves in the room
- Hot Plates in the room
- Portable heaters

### **EVACUATION PROCEDURES**

Once the fire alarm is set off, Residence Life staff will evacuate all those in the dorm and move them to the safest place possible away from the building. Residence Life staff will go from room to room and enter the room and tell those in the room that they will need to evacuate immediately. Those students found not in compliance are fined for failure to evacuate. They will then proceed to the fire panel box to see where the alarm is located and go investigate the problem. Most the residence halls are on an automatic call from our alarm company, Midwest Alarm, to call Sioux City Fire Rescue. Residence Life staff will at no time put themselves in danger to put out a fire. If they are unable to extinguish the fire with an extinguisher, they will evacuate and let Sioux City Fire Rescue know of the location and extent of the fire if one is present. Once Sioux City Fire Rescue gives the "all-clear" to Campus Safety and Security and/or Residence Life, students will be allowed to re-enter the dorm and rooms. If there is an extended period of time that the students may be outside during inclement weather, they will be moved to another building until the situation is resolved. If there happens to be a fire and the building is not suitable for occupancy, temporary housing will be provided on campus in cooperation with University staff and the Siouxland Red Cross if warranted.

During inclement weather students will be moved inside to another building to keep them out of the elements.

## **Reporting Fires**

If a fire does occur on campus, students, faculty, and staff are to call 911 and Campus Safety and Security to notify them of the situation. Safety and Security staff also notifies the Director and Assistant Director of Safety and Security when there are alarms on campus and when Sioux City Fire Rescue is on scene. If there is a fire, the Director and/or the Assistant Director of Safety and Security will respond accordingly along with the Director of Facilities and Vice President for Marketing and Communication. When a fire occurs in the residence halls, the Director of Safety and Security and/or Assistant Director of Safety and Security will notify the Vice President of Business and Finance, Vice President of Enrollment and Student Life, Vice President for University Engagement, Dean of Students/Title IX Coordinator, and Vice President for Academic Affairs, and the President.

## **WHO TO REPORT FIRES TO**

Per federal law, Campus Safety and Security is required to annually disclose statistical data on all fires that occur in on-campus student housing facilities. Listed below are the non-emergency numbers to call to report fires that have already occurred and been extinguished in on-campus housing. These are fires for which you are unsure whether Campus Safety and Security or Residence Life may already be aware. If you find evidence of such a fire, or you hear about such a fire, please contact one of the following:

|   |              |
|---|--------------|
| Campus Safety and Security                | 712-274-5234 |
| Director of Safety and Security           | 712-274-5500 |
| Assistant Director of Safety and Security | 712-274-5505 |
| Assistant Director of Residence Life      | 712-274-5335 |
| Area Coordinator, Residence Life          | 712-274-5339 |
| Area Coordinator, Residence Life          | 712-274-5337 |

When calling, please provide as much information as possible about the location, date, time, and cause of fire.

## **FIRE SAFETY EDUCATION AND TRAINING PROGRAMS**

Fire safety education programs for all students living in on-campus student housing and all employees that have any association with on-campus student housing are held at the beginning of each academic year. These programs are designed to familiarize everyone with the fire safety system in each housing facility, train everyone on the procedures to be followed in case there is a fire, and distribute information on the University's fire safety policies. Everyone is made aware that there are maps in each dorm room of the nearest evacuation route from their rooms in the case of a fire and where fire pull stations are located as well. During these times, it is stressed that at any time the fire alarm goes off that it should be treated as a real fire situation. Students with disabilities are assisted by the "buddy" system. There are also fire drills done each semester to help educate students and residence life staff of what to do in the event of a fire.

Faculty and staff are reminded throughout the year about fire safety in emails and videos. They are reminded that certain items are not allowed in offices or on campus due to the fire risk.

Each semester an email reminder about fire safety is sent out. This includes of what to do during a fire alarm, what items are not permitted in the residence halls, and that they should not put their life at risk to try to put out a fire.

**2020 Fire Drills and Training:**

Fire drills were conducted throughout the year in the residence halls in conjunction with Residence Life. All fire drills were unannounced.

Sioux City Fire Rescue conducts yearly inspections of all buildings.

Fire Extinguisher Training is done by Sioux City Fire Rescue Fire for Residence Life and Campus Safety and Security.

If a fire does occur, students are instructed to leave the area per the evacuation routes and get outside as quick as possible before calling 911 for help. They are to remain outside until all students have left the building. RAs are instructed to pull the fire alarm as they leave the building if they can do so without risking their personal safety. They may also try to put the fire out with a fire extinguisher if possible and not risking their personal safety as well.

**RESIDENCE HALL FIRE PREVENTION INFORMATION**

**Roadman Hall:** Co-ed residential dormitory that houses up to 250 students. Roadman Hall has a south wing and a north wing. The south wing is four floors, and the north wing is 3 floors. Roadman Hall also houses Morningside University's data center and computer services. It has a fire alarm system that is monitored by Midwest Alarm.

**Dimmitt Hall:** Co-ed residential dormitory that houses up to 350 students. It is divided up into floors and wings. The eastern half of the dorm houses males except one floor (2<sup>nd</sup> East Old) which is a female floor, and the western half is all female students. The eastern half of Dimmitt Hall is three floors while the western half is four floors. The building is divided up by old and new wings. It has a fire alarm and sprinkler system. The fire alarm system is monitored by Midwest Alarm Company.

**Residence Complex (Plex):** Co-ed dormitory that is divided by floors with the 2<sup>nd</sup> floor being women and the 3<sup>rd</sup> floor is males. The Residence Complex houses 98 students. The first floor is lobby and kitchen space along with meeting rooms and one room which houses the Head Resident. The fire alarm system is monitored by Midwest Alarm.

**Lags Hall:** Lags Hall is a student apartment building. It houses 60 students in fifteen apartments. Each student has their own room with a common living space. It is three floors with the first floor having laundry and a community room along with an exercise room. It has a sprinkler system and a fire alarm system that is monitored by Midwest Alarm.

**Poppen Hall:** Poppen Hall is a student apartment building. It houses 42 students in six apartments. It is three floors with two apartments on each floor. It has a sprinkler system and a fire alarm system that is monitored by Midwest Alarm.

**Waitt Hall:** Waitt Hall is a student apartment building. It houses 30 students in 4 apartments. It has two floors with two apartments on each floor. It has a sprinkler system and a fire alarm system that is monitored by Midwest Alarm.

**3800 Garretson House:** Upperclassmen housing that is located on the south side of campus. It houses 8 students. It is two floors along with a basement. It is equipped with a fire alarm that is monitored by Midwest Alarm system and a sprinkler system.

**3804 Garretson House:** Upperclassmen housing that is located on the south side of campus. It is 2 floors along with a basement. It houses 8 students. It is equipped with a fire alarm system that is monitored by Midwest Alarm and a sprinkler system.

|                   | Fire Monitoring Done by Midwest Alarm | Sprinkler System | Smoke Detection System | Fire Extinguishers | Evacuation Plans/Placards | Number of Fire Drills Each Academic Year |
|-------------------|---------------------------------------|------------------|------------------------|--------------------|---------------------------|--|
| Roadman Hall      | X                                     |                  | X                      | X                  | X                         | 4  |
| Dimmitt Hall      | X                                     | X                | X                      | X                  | X                         | 4  |
| Waitt Hall        | X                                     | X                | X                      | X                  | X                         | 4  |
| Poppen Hall       | X                                     | X                | X                      | X                  | X                         | 4  |
| Lags Hall         | X                                     | X                | X                      | X                  | X                         | 4  |
| Residence Complex | X                                     |                  | X                      | X                  | X                         | 4  |
| 3800 Garretson    | X                                     | X                | X                      | X                  | X                         | 4  |
| 3804 Garretson    | X                                     | X                | X                      | X                  | X                         | 4  |

## **Fire Log**

**2020**

|                   | Total Fires in each building | Fire # | Date    | Time | Cause                  | # of Injuries requiring treatment | Number of deaths related to the fire | Value of Property damaged by fire |
|-------------------|------------------------------|--------|---------|------|------------------------|-----------------------------------|--------------------------------------|-----------------------------------|
| Roadman Hall      | 1                            | 1      | 1/14/20 | 1230 | Laptop battery failure | 0                                 | 0                                    | \$16,000                          |
| Dimmitt Hall      | 0                            |        |         |      |                        |                                   |                                      |                                   |
| Waite Hall        | 0                            |        |         |      |                        |                                   |                                      |                                   |
| Poppen Hall       | 0                            |        |         |      |                        |                                   |                                      |                                   |
| Lags Hall         | 0                            |        |         |      |                        |                                   |                                      |                                   |
| Residence Complex | 0                            |        |         |      |                        |                                   |                                      |                                   |
| 3800 Garretson    | 0                            |        |         |      |                        |                                   |                                      |                                   |
| 3804 Garretson    | 0                            |        |         |      |                        |                                   |                                      |                                   |

**2019**

|                   | Total Fires in each building | Fire # | Date | Time | Cause | # of Injuries requiring treatment | Number of deaths related to the fire | Value of Property damaged by fire |
|-------------------|------------------------------|--------|------|------|-------|-----------------------------------|--------------------------------------|-----------------------------------|
| Roadman Hall      | 0                            |        |      |      |       |                                   |                                      |                                   |
| Dimmitt Hall      | 0                            |        |      |      |       |                                   |                                      |                                   |
| Waite Hall        | 0                            |        |      |      |       |                                   |                                      |                                   |
| Poppen Hall       | 0                            |        |      |      |       |                                   |                                      |                                   |
| Lags Hall         | 0                            |        |      |      |       |                                   |                                      |                                   |
| Residence Complex | 0                            |        |      |      |       |                                   |                                      |                                   |
| 3800 Garretson    | 0                            |        |      |      |       |                                   |                                      |                                   |
| 3804 Garretson    | 0                            |        |      |      |       |                                   |                                      |                                   |

**2018**

|                   | Total Fires in each building | Fire # | Date | Time | Cause | # of Injuries requiring treatment | Number of deaths related to the fire | Value of Property damaged by fire |
|-------------------|------------------------------|--------|------|------|-------|-----------------------------------|--------------------------------------|-----------------------------------|
| Roadman Hall      | 0                            |        |      |      |       |                                   |                                      |                                   |
| Dimmitt Hall      | 0                            |        |      |      |       |                                   |                                      |                                   |
| Waite Hall        | 0                            |        |      |      |       |                                   |                                      |                                   |
| Poppen Hall       | 0                            |        |      |      |       |                                   |                                      |                                   |
| Lags Hall         | 0                            |        |      |      |       |                                   |                                      |                                   |
| Residence Complex | 0                            |        |      |      |       |                                   |                                      |                                   |
| 3800 Garretson    | 0                            |        |      |      |       |                                   |                                      |                                   |
| 3804 Garretson    | 0                            |        |      |      |       |                                   |                                      |                                   |

**FUTURE IMPROVEMENTS**

As the residence halls are updated or remodeled sprinkler systems are being added, the fire alarm systems are upgraded.

*Anyone may request to see the statistics at any time. A hard copy may be presented at a person's request. Prospective students and their parents may request to see or have a hard copy presented to them during their visits to campus. All students and employees have access to these records by stopping at the Campus Safety and Security Office located in the Hickman-Johnson-Furrow Learning Center.*