

SEXUAL MISCONDUCT

Clarke University is a private, independent, coeducational institution that reflects the values and heritage of our founders, the Sisters of Charity of the Blessed Virgin Mary (BVMs). The University is committed to creating and maintaining a safe and respectful environment for all its students, employees and visitors. All forms of sexual misconduct represent a violation of University policy and will not be tolerated. Violation of the University's policy on Sexual Misconduct will result in responsive action as prescribed under Title IX. This includes an investigation, remedial action to stop the prohibited conduct, support for the victim and, as necessary, for the broader community, and action designed to prevent the re-occurrence of the behavior. Violations may result in sanctions including, but not limited to, warning, probation, suspension, expulsion or termination of the perpetrator from the University. This policy is intended to support our mission and the values of freedom, education, charity and justice. It applies to students, employees and visitors to the University.

Definitions

Sexual Misconduct:

1. **Non-Consensual Sexual Contact:** Any intentional sexual touching without effective consent. This includes any contact with the breasts, buttocks, groin, genitals, mouth or other bodily orifice of another person; the touching of another with any of these body parts; or any other intentional contact of a sexual nature without consent.
2. **Non-Consensual Sexual Intercourse:** Any sexual intercourse or penetration (anal, oral, or vaginal), however slight, with any object or body part, upon another person without effective consent.
3. **Forced Sexual Intercourse:** Any sexual intercourse or penetration (anal, oral or vaginal), however slight, with any object or body part, upon another person, that occurs as a result of force. The prohibited force may be physical in nature, or represented by threats, intimidation or coercion. Intercourse obtained by force impacts the free will of the victim and thus removes the opportunity for effective consent.
4. **Sexual Exploitation:** Sexual exploitation occurs when an individual takes non-consensual, unfair, or abusive advantage of another for his/her own benefit, even though the behavior may not meet the definition of one of the other sexual misconduct definitions set forth herein. Examples include, but are not limited to:
 - a. Stalking with a sexual component. Stalking may take many forms, including persistent calling, texting, or posting on a social networking site as well as physical stalking. When the content of the messages or the purpose or nature of the physical stalking is of a sexual nature, sexual misconduct has occurred.
 - b. Voyeurism is a form of sexual exploitation in which one individual engages in secretive observation of another for personal sexual pleasure, or engages in non-consensual video or audiotaping of sexual acts. Although the subject of the secretive viewing or taping may be unaware of the observation, this behavior is a form of sexual misconduct and violates the integrity of the victim.
 - c. Disrobing or exposure in the presence of another person without their consent.
 - d. Disrobing or exposing another person without their consent.
 - e. Inter-personal or intimate partner violence (relationship violence).
5. **Sexual Harassment:** Severe, persistent or pervasive and objectively offensive unwelcome sexual advances, requests for sexual favors, or other verbal or non-verbal conduct or communication of a sexual nature that limits or denies a person's ability to participate in, or benefit from, the University's educational programs or activities, or creates a hostile working environment when:
 - a. Submission to, or rejection of, the conduct is made either explicitly or implicitly a term or condition of an individual's employment or education (quid pro quo harassment);
 - b. The conduct has the effect of unreasonably interfering with a person's work, professional or educational performance, productivity, physical security, living arrangements, extracurricular activities, academic or career opportunities, services or benefits—or of creating an intimidating, hostile, or offensive learning environment.

It is illegal to harass or discriminate against an individual based upon his or her sex, sexual orientation, gender, or gender identity. Sexual harassment can occur between people of the opposite or the same gender and may include, but is not limited to:

- sexual innuendoes, jokes, stories, pictures, and materials created or transmitted electronically which are unwelcome or make others feel uncomfortable or embarrassed;
- making obscene or suggestive gestures;
- whistling or making offensive noises;
- subtle pressure for sexual activity;
- sexist remarks about a person's clothing, body or sexual activity;
- remarks about a person's gender, sexuality, or sexual orientation
- unnecessary touching, patting or pinching;
- leering or ogling of a person's body;
- intentional brushing against a person's body;
- demanding sexual favors accompanied by implied or overt threats concerning one's job or student status;
- sexual violence;
- indecent exposure.

6. **Relationship Violence (includes dating violence, domestic violence and intimate partner violence):** A pattern of abusive behavior that one person uses to obtain and maintain power and control over his/her intimate or dating partner. Physical and/or sexual abuse may or may not be present. Coercive control is always present. Relationship violence is purposeful and systematic, involves a fixed imbalance of power that has been created over time and is driven by a sense of entitlement. **Domestic Violence** is defined as a crime of violence committed by a current or former spouse or intimate partner.
7. **Incapacitated Sex:** To have sex with someone whom you know to be, or reasonably should know to be, incapable of making a rational, reasonable decision about a sexual situation is a violation of the Clarke University Standards of Student Conduct and Iowa State Law. Incapacity to make rational decisions about a sexual decision might result from being under the age of eighteen, taking a date rape drug, other drugs, alcohol, or as a result of illness or because of intellectual or other disability which prevents the person from having the capacity to give consent. Intoxication on the part of the initiator is not an excuse for the violation of this policy or the law.
8. **Stalking:** Stalking is an unwelcome pursuit and is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress. It is a tactic of control exerted by one party over another. It is also a crime that can cause fear with or without physical injury. Stalking often leads to physical contact and is generally on a trajectory toward violence. Stalking often includes the use of technology such as phones, texting, cameras, social networking sites, and email.
9. **Verbal Assault:** Verbal Assault, without accompanying physical contact, is not sexual assault, but may fit the criteria for sexual harassment. Sexual harassment is also prohibited by the University's Standards of Student Conduct and Anti-Harassment and Discrimination Policy.
10. **Effective Consent:** Informed, freely and actively given, using mutually understandable words or actions that indicate a willingness to participate in mutually agreed upon sexual activity. Consent is not effective if it results from the use of physical force, threats, intimidation or coercion, or if the non-initiating partner is incapacitated or a minor under the age of consent. Consent for one sexual act is not consent for another. Silence or an absence of resistance does not imply consent. Incapacitation can result from the use of alcohol or other drugs, when a person is asleep or unconscious, or because of an intellectual disability that prevents the person from having the capacity to give consent. It is important to realize that to give consent for sexual activity, partners must be of legal age, must be in agreement, understand the consequences, be aware, and comply with any change in mind by the other person. When in doubt about consent, do not engage in sexual activity.

What Do I Do If I Am a Victim of Sexual Misconduct?

- If you are the victim of sexual violence, go to a safe place where people can give you emotional support and physical care. The Riverview Center Sexual Assault Hot Line is available 24/7 at 888-557-0310.
- Seek medical help immediately for the treatment of any injuries. If you plan to report the incident to authorities, there is an additional reason to seek medical attention: medical evidence can be collected.

Do not douche, bathe, shower or change your clothes before seeking medical attention. Sexual Assault Nurse Examiners (SANE Nurses) are available at the Emergency Room of Mercy Hospital, 250 Mercy Drive, Dubuque, IA and Finley Hospital, 350 N. Grandview Avenue, Dubuque, IA. Rape Kits are free at emergency rooms through a fund for crime victims. Police will be called to retrieve the kit once it is completed, and keep the evidence collected, whether or not a decision to file charges has been made.

- Campus counselors and victim advocates at Riverview Center are specially trained to provide support and direction whether or not you decide to report the crime or participate in legal action.
- You may choose to file a report with Clarke University, the Dubuque Police Department, or both simultaneously. This is your decision. (See “Procedures for Dealing with Sexual Offenses” Section).
- You may file a report with the University if the perpetrator is part of the University community, whether or not the incident happened on campus. An investigation to determine if a violation occurred under the University’s Sexual Misconduct Policy will be initiated by the Title IX Coordinator or deputy. Reports made by, or against, third parties will be referred to one of these Title IX officers.
- Trust your instincts. Whatever you decide is a decision with which you must feel comfortable. Your goal is to survive and escape safely. You will react in a way that makes the most sense to you at the time.

Confidentiality and Reporting Policy

People on campus have different reporting responsibilities and different expectations regarding confidentiality, depending on their roles at the University and upon University policy. When consulting campus resources in order to make informed choices, all parties should be aware of confidentiality, privacy, and mandatory reporting on campus, some people can offer you confidentiality, sharing options, and advice without any obligation to report the offense unless you want it reported. Other people are there to report crimes and policy violations and will take action when you report your victimization to them. Some people can speak with you without having to divulge private information you share with them except under certain circumstances, some of which are described below. A victim may seek assistance from these campus community members without starting a formal process that is beyond the victim’s control, or violates her/his privacy. The following explains each of these types of reporting.

If you are the Victim of Sexual Misconduct you have multiple options for reporting: Privileged Reporting (Confidential) Privileged reporting resources are those individuals who, by law and/or professional ethics, maintain privilege based confidentiality of the disclosure of sexual misconduct. These individuals are not required to re-disclose information shared with them other than in very extreme and unusual circumstances involving evidence of a serious and imminent threat to identifiable individuals, or by court subpoena. Privileged reporting resources include:

- Counseling Services, Room G32, MJH, 563-588-8140
- Health Services, Room G05, MJH, 563-588-6374
- Campus Ministry, Room G10, MJH, 563-588-8192
- Equity Advocates:
 - Regina Boarman, Associate Professor of Social Work, 563-588-6583
 - Casey Tauber, Assistant Director of Athletics, 563-588-6397
- Riverview Center, local rape crisis center, 2600 Dodge Street, Dubuque FREE Services and 24 Hour Sexual Assault Hotline, 888-557-0310

Administrative Reporting By Responsible Employees

At Clarke University, Responsible Employees are considered Mandatory Reporters. Responsible Employees include all employees unless exempted as outlined in the Privileged Reporting Section above. Resident Assistants are considered mandatory reporters. Mandatory reporting resources are required to report all details of an incident of sexual misconduct, including the identity of the victim and the perpetrator, the date and location of the incident and details regarding the incident if known, to the appropriate office to initiate an investigation and to take appropriate action. Responsible Employees are trained to provide information, support and make appropriate referrals to confidential or private reporting resources. Responsible Employees are also required to provide Clery Act statistical information and/or information for a Timely Warning if the circumstances warrant.

Title IX Officials

Individuals who by law (Title IX) have remedial authority to address sexual misconduct reports on behalf of the institution. For this policy, the following administrative official is designated to receive sexual misconduct reports and, if appropriate, coordinate the investigation of those reports.

- Kate Zanger, Vice President for Student Life / Title IX Coordinator, Room G19, MJH, 563-588-

6517

- Mary Gitau, Assistant Professor of Social Work/ Deputy Title IX Coordinator, 323 CBH, 563-588-6578

Trained Investigators

The University has identified members of the staff who have undergone training to investigate Sexual Misconduct reports. Investigators will receive training on issues related to:

- Domestic violence, dating violence, sexual assault, and stalking, as well as other forms of sexual misconduct, as outlined in this policy.
- How to conduct an investigation that protects the safety of the victim and promotes transparency and accountability.

Amnesty from Campus Conduct Process

The University strongly encourages the reporting of incidents of sexual misconduct. Students may be hesitant to seek help in such matters because of fear of potential conduct and disciplinary consequences for themselves, the person in need of attention or the organization hosting the event where the incident occurred. A student who seeks assistance for himself/herself or for another student or individual in distress will not be subject to disciplinary action. Title IX prohibits retaliation against any party or individual involved in the proceedings.

To encourage reporting incidents of sexual misconduct, Clarke University offers victims and witnesses immunity from being charged with minor University policy violations related to the reporting of or cooperating in the investigation of the sexual misconduct incident.

Procedures for Dealing with Sexual Offenses

When a Title IX Coordinator or Deputy is notified of a situation that could be a violation of our Sexual Misconduct policy, they will meet with the student, employee, or third party to inform them of Clarke's policy, procedures, and resources available to them. The Title IX Officer is the Clarke staff person who becomes the contact person to answer questions for people participating in the process.

This policy is designed to be transparent and to help people report incidents of sexual misconduct. Reports should be filed promptly and timely, after an incident of alleged sexual misconduct. The reporter (the person or persons making the report) is encouraged to provide as much of the following information as possible:

- the name of the person or persons allegedly responsible for the action (this person is known in this process as the responder);
 - if the alleged responder is a University employee, the department and position of said person(s)
 - if the alleged responder is a student, the address of that person, if known.
- a description of the incident, including the date, location, and the identity of any witnesses
- the alleged effect of the incident on the reporter's position, academic standing or other conditions of enrollment or employment;
- the names of other individuals who might have been subject to the same or similar action; and
- any other information the reporter believes to be relevant to the report.

Third Parties: Reports can be made by third parties. When reports are made by third parties to responsible employees, the University has an obligation to investigate the report.

Privacy: All inquiries, reports, and investigations are treated with respect and attention to the privacy of the reporter. Information is revealed strictly on a need-to-know basis to school officials. Although the identity of the reporter and the respondent is usually revealed to the respondent and witnesses, the University prohibits retaliation of any form toward any party or individual involved in the proceedings. Retaliation makes people afraid to report or to assert their rights and is forbidden by this policy.

A copy of the investigation report, including outcomes of the investigation, is included in the file of the respondent only if the investigation concludes that the respondent engaged in prohibited conduct.

All information pertaining to a report or investigation is maintained by the Title IX Coordinator and Deputy Coordinator in secure files. These secure files will be kept separate from all other human resources or student files maintained by the University.

If the respondent is found not responsible for the alleged violation or if the information obtained during the course of the investigation does not support the allegation, the investigation will be closed. If there is additional information discovered after closure that may significantly alter the outcome of the investigation, the investigation may be re-opened.

No record of a report is kept in the reporter's human resources or student file unless the investigation concludes that the report was reckless, frivolous or without merit.

The University prohibits retaliation in any form against any of the parties or individuals involved in the proceedings.

Advisors: Individuals participating in the Sexual Misconduct resolution process have the right to an advisor. The term "advisor" is defined as any person (including any student, faculty or staff) selected by the participant to assist and accompany him/her through the resolution process (including reporting, investigation interviews, sanction reviews, and appeals). Individuals may choose to proceed with or without an advisor. An individual shall not select an advisor who may be called as a witness during the investigation, disrupts the proceedings, causes emotional distress to other participants, or otherwise attempts to interfere with the process. The advisor, upon request of the participant, may (1) accompany the person in any conduct proceeding, (2) advise the person in the preparation and presentation of information, and (3) advise the person in the preparation of an appeal. The advisor shall only advise the participant. The advisor may not answer investigative questions on behalf of or make a presentation on behalf of the participant. Individuals are expected to ask and respond to questions on their own behalf. The advisor may consult with their advisee before or after an investigative interview, review or appeal in a manner that does not interrupt, disrupt or in any other way affect the integrity of the investigation or resolution process. Participants may also consult with their advisors outside the meeting room during breaks in an investigative interview, review or appeal, however, the advisor may not speak on behalf of the advisee, and the participant may not consult with their advisor during the pendency of a question. Appropriate breaks after pending questions or lines of questions are answered, or at other logical intervals, may be granted during which the participants may consult with their advisors in private. Delays in the process will not be allowed due to scheduling conflicts with advisors.

Investigation: The Title IX Coordinator (or deputy) is responsible for ensuring that an impartial investigation begins within a reasonable time (the goal is two (2) working days) after a report has been filed. The University attempts to complete investigations within sixty (60) to ninety (90) working days. The investigation time frames may need to be extended. The Title IX Coordinator (or deputy) has authority to extend or modify all time frames set forth in this Policy. In such instances, the reporting and responding parties will be notified. Clarke University has a Memorandum of Understanding (MOU) with the Dubuque Police and Sherriff's Departments. If a reporting party is making a report to law enforcement, Clarke University will wait to be notified that it is okay to begin our investigation to be sure that we do not interfere with the investigation by law enforcement.

Upon receipt of a report, the Title IX Coordinator or deputy will open a formal case file, meet with the reporting and responding parties to explain the Title IX Conduct Resolution process, and initiate any necessary temporary accommodations. Temporary accommodations may include interim suspension, change in housing assignment, change in academic schedule, restriction from facilities, restriction from interaction with a specific person, or other remedial short-term action.

The Title IX Coordinator (or deputy) will designate a primary investigator who will direct the investigation and confer with the Title IX Coordinator (or deputy) throughout the investigation on any additional temporary accommodation. A second investigator may accompany the primary investigator during interviews with the reporting and responding parties and witnesses so that information obtained during the interviews can be corroborated. In some circumstances, the Title IX Coordinator (or) deputy may assign other faculty or staff and/or a third party to serve as investigators. Witnesses are not to disclose that they have been interviewed or the nature of the questions asked in order to maintain the integrity of the investigation. Violation of this directive shall be a basis for disciplinary action or other sanctions as determined by the University.

The investigator will conduct a thorough, reliable and impartial investigation to determine if a policy violation has occurred by a preponderance of the evidence. The investigator will determine if any interim accommodation is required pending the outcome of the investigation. Interim accommodations may include suspension, change in

housing assignment, change in academic schedule, restriction from facilities, restriction from interaction with a specific person(s), or other necessary remedial short-term action. The investigator will develop an investigation plan, which will include a witness list, evidence list, intended timeframe, and the order of interviews for each party and his/her witnesses.

If there is insufficient information to support by a preponderance of the evidence that a policy violation has occurred, the report will be closed with no further action.

Efforts will be made to complete the investigation promptly and without unreasonable delay or deviation from the intended timeline. The designated primary investigator will prepare a written report following the completion of the investigation. The report will include:

- A summary of the initial report
- A summary of the response by the responding party
- A summary of statements and information obtained during the investigation.
- A finding on whether a policy violation(s) occurred and a reasoned explanation to support the finding.
- A summary of prior findings of policy violations or substantiated reports against the responding party.
- If warranted, an assigned sanction and the rationale for the sanction.

Findings will be based on a preponderance of the evidence (whether a policy violation is more likely than not to have occurred). The findings and any sanctions will be presented in writing to the reporting and responding parties. Sanctions will be applied with the intent to end the policy-violating behavior, prevent its reoccurrence, and remedy its effects on the victim and the University community. Available sanctions against a respondent may include, but are not limited to, written warning, probation, suspension, expulsion, a change of course section, a change of reporting line, or any other appropriate sanction under the circumstances. If sanctions are imposed, this report will become part of the disciplinary file or personnel file of the individual against whom the report is made. Information on the University appeal process will be provided to each party. Either party has the right to request an appeal.

Appeal Process When the Responding Party is a Student: The outcome of the investigation may be appealed by either party by submitting a written request for appeal, with supporting documentation, to the Title IX Coordinator (or deputy) within three (3) business days of the receipt of the final Investigative Report. Appeals will only be considered on the following three grounds:

- The existence of significant procedural error(s) that altered the outcome;
- The discovery of new information, unavailable during the original investigation, which could substantially impact the original finding or sanction. A summary of this new information and its potential impact must be included with the appeal, as well as the reason why this information was not available or presented during the original investigation; and/or
- The sanctions imposed are substantially disproportionate to the severity of the violation.

Mere disagreement with the decision is not grounds for appeal.

Within three (3) business days of receiving a request for appeal, the Title IX Coordinator (or deputy) will appoint three faculty or staff as members of a Sexual Misconduct Appeals Panel to decide the appeal. Both the parties will be notified simultaneously, in writing, of the individuals appointed to their Appeals Panel.

The Title IX Coordinator (or deputy) will provide a copy of the written appeal to the other party. The non-appealing party will be provided three (3) business days to file a response to the appeal to the Title IX Coordinator (or deputy).

Upon receipt (or expiration of the 3 business days), the Title IX Coordinator (or deputy) will forward the written appeal request and responsive documentation, the Investigative Report and any other documentation to the Appeals Panel for review.

In any request for an appeal, the burden to demonstrate procedural error, new information or disproportionate sanctions lies with the party requesting the appeal. The Appeals Panel may:

- Deny the appeal because the reason for appeal does not fall within the stated ground for appeal, i.e., procedural error, new information or disproportionate sanctions;
- Uphold the original finding and/or sanction;
- Remand the case to the original Investigator for consideration of new information;
- Appoint a new Investigator where significant procedural error occurred during the course of the original investigation; or
- Refer the case back to the Investigators for reconsideration of the sanction (with or without recommendations).

The Appeals Panel will make a determination within five (5) business days of receipt of the appeal materials. The Appeals Panel shall notify the parties simultaneously, in writing of the outcome of the appeal within three (3) business days of the date of the determination. **The reporter and respondent each have one opportunity to request an appeal. Following that appeal, all decisions are final.** All appeals time periods set forth in this section can be extended as necessary for good cause by the Appeals Panel with notice to the parties of the extension and an explanation of the reason for the extension.

The procedures governing the hearing of appeals include the following:

- All parties should be timely informed of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision;
- Every opportunity to return the appeal to the original hearing body for reconsideration (remand) should be pursued;
- Appeals are not intended to be full re-hearings of the complaint. In most cases, appeals are confined to a review of the written documentation of the original investigation, and pertinent documentation regarding the grounds for appeal;
- This is not an opportunity for members of the appeals panel to substitute their judgment for that of the original investigators merely because they disagree with its finding and/or sanctions. Appeals decisions are to be deferential to the original investigation, making changes to the finding only where there is clear error and to the sanction only if there is a compelling justification to do so;
- All sanctions imposed as an outcome of the investigation are in effect during the appeal process. A request may be made to the Title IX Coordinator (or deputy) for special consideration in exigent circumstances to remove the sanctions during the appeal process. Graduation, study abroad, internships/externships, etc., do NOT in and of themselves constitute exigent circumstances. Depending on the sanctions imposed at the investigative stage of the proceeding, students may not be able to participate in those activities during their appeal. In cases where the appeal is upheld, resulting in reinstatement to the institution or of privileges, all reasonable attempts will be made to restore the student to his/her prior status, recognizing that some opportunities lost may be irretrievable.
- The appeals panel decision to deny an appeal requests is final.

Appeal Process When the Responding Party is a Member of the Faculty, Staff, or a Third Party

Either party may file a written appeal within fifteen (15) calendar days of notification of the findings to the President. The President of the University will review the record and will reach a final determination as to any action within ten (10) calendar days of receipt of the appeal. The determination of the President is final.

Appeals will only be considered on the following three grounds:

- The existence of significant procedural error(s) that altered the outcome;
- The discovery of new information, unavailable during the original investigation, which could substantially impact the original finding or sanction. A summary of this new information and its potential impact must be included with the appeal, as well as the reason why this information was not available or presented

during
the original investigation; and/or

- The sanctions imposed are substantially disproportionate to the severity of the violation. Mere disagreement with the decision is not grounds for appeal.

Off-Campus Reporting

An individual who is a victim of a crime of sexual assault, dating violence, domestic violence and stalking has a right to file a report with the Dubuque Police Department. The University, by way of the Office of Safety and Security or Student Life, will support and assist the victim's decision to pursue off-campus legal action. As noted above, a victim may also file a report with the University if the perpetrator is part of the Clarke University community, whether or not the incident happened on campus.

Non-Retaliation

Retaliation is prohibited against any person that is named or that participates in an investigation. Retaliatory conduct can include behavior on the part of the respondent, the reporter, or other related persons, including acquaintances, friends, and family members. Although independent action will be taken against anyone engaging in retaliation, the respondent and the reporter are each responsible to discourage such actions and will be held responsible to the extent of his/her involvement in the retaliation.

Intersection with Other Policies or Procedures

This Sexual Misconduct Policy sets forth the exclusive means of resolving sexual misconduct complaints. To the extent there are any inconsistencies between the procedures set forth herein and other University grievance, complaint or discipline procedures, this Sexual Misconduct Policy will control.

Campus Resources

Clarke University is concerned about a victim's physical and mental well-being. Clarke University is ready to assist a victim in dealing with the aftermath of an act of sexual misconduct.

A victim may request a change to his/her academic or living arrangements through the Title IX Coordinator (or deputy). The University will honor such a request if necessary and reasonably possible. On-campus counseling services are available to full-time students. Referrals are also available to off-campus services for part-time students or employees who desire to process what has occurred and seek professional assistance in coping with the effects of an assault.

Reporting Agencies

Student Life Office	563-588-6313
Campus Security	563-588-6393
Dubuque Police	911 or 563-589-4415

Confidential Counseling, Assistance and Referral

Counseling Services	563-588-8140
Campus Ministry	563-588-8192
Health Services	563-588-6374
Riverview Center:	FREE local sexual violence crisis services, 24 hour Hotline – 888-557-0310

Protection and Safety Tips

- **Educate** yourself about the realities of sexual misconduct. Knowledge can be a powerful tool in abuse prevention.
- **Argue** against dangerous gender roles and stereotypes that can lead to and perpetuate sexual violence.
- **Trust** your instincts. Pay attention and listen to your "inner voice" that tells you when something is wrong or feels unsafe.
- Do not make assumptions about consent; about sexual availability, or about whether a person is attracted to you. If there are questions or any ambiguity, then you do not have consent.
- **Be cautious** when choosing to use alcohol or other drugs. They will increase the risk of sexual violence.
- Be aware of date rape drugs and watch beverage at all times.

- **Get involved** and participate in the movement against sexual violence.
- **Know** that sexual assault is never the victim's fault, regardless of the situation.

Prevention and Education

The University offers a number of educational programs over the course of the academic year addressing sexual assault, domestic violence, dating violence, stalking, and related topics. A specific program is presented to all new incoming undergraduate students during CONNECT orientation. Further programming is offered by various offices and student organizations including residence life, counseling services, and campus safety and security. Outside agencies may also contribute to educational programming for the campus.

Pursuant to federal law, students and employees will be educated and updated about security procedures, personal safety, crime prevention, sexual assault, domestic violence, dating violence, and stalking in ways that are deemed appropriate for the campus community. This may include: primary prevention strategies, on-line courses, posting appropriate flyers, mass e-mail messages, placing articles in the student newspaper, classroom announcements and emergency meetings.

Iowa State Law

As part of its Sexual Misconduct Policy, Clarke is required to provide legal definitions and the criminal sentences related to certain Sexual Offenses. Legal definitions may differ from Clarke's policies. Chapter 709 of the Iowa Code defines sexual offenses. Chapter 709 also lists the sanctions and degrees of sex crimes. Students should be aware that Sexual Abuse is a criminal act which carries penalties of varying degrees depending on the violation. Chapter 709 is available on-line at <http://coolice.legis.iowa.gov/Cool-ICE/default.asp?category=billinfo&service=iowaCode&input=709>.

Sexual Abuse – Sexual Abuse is defined as a sex act between persons when the act is done by force or against the will of the other. This includes an act that is done while the other person is under the influence of drugs or alcohol. It is also Sexual Abuse when the sex act is done with a person who suffers from a mental defect or with a person who has not attained his or her majority (reached the age of 18).

Sexual Abuse/First Degree – Occurs when the sexual abuse causes another person a serious injury in the course of the abuse. This is a Class “A” felony which is punishable by life in prison.

Sexual Abuse/Second Degree – Occurs under the following circumstances:

- The offender is aided or abetted by another person(s) and the sex act is committed by force or against the will of the victim.
- If the victim is under the age of 12.
- If during the commission of the sexual abuse, the offender displays a weapon, or uses or threatens to use force creating a substantial risk of death or serious injury to any person.

his is a Class “B” felony which is punishable by prison terms of up to 25 years.

Sexual Abuse/Third Degree – Occurs under the following circumstances:

- The act is done by force or against the will of the other party, whether or not the victim is the perpetrator's spouse
- When the victim is suffering from a mental defect or incapacity
- When the victim is a child of 12 or 13
- When the victim is 14 or 15, if the victim is a member of the same household as the perpetrator, if the victim and perpetrator are relatives, if the perpetrator uses a position of authority to coerce the act, or if the perpetrator is more than four years older than the victim.
- When the victim is under the influence of a controlled substance
- When the victim is incapacitated or physically helpless. This is a Class “C” felony, which is punishable by up to ten years in prison.