



**Hawkeye Community College  
Annual Security and Fire Safety Report**

**2019**

**(Information for 2019-2020 Academic Year)** Main Campus, Cedar Falls Center; Independence Center; Adult Learning Center; and Western Outreach Center



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## **Introduction**

The Hawkeye Community College Annual Security and Fire Safety Report is posted on the web for review by employees, prospective employees, students, prospective students, and parents. A hard copy of this report may be requested from the Public Safety office.

This notification is in accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 28 U.S.C. §1092(f), and the provisions of the Higher Education Opportunity Act Pertaining to Campus Statistics, 28 U.S.C. §1092(i). For more information or if you have specific questions regarding the Annual Security Report or security policies at Hawkeye Community College, contact the Public Safety office.

Hawkeye Community College is a public two-year community college with its main campus located in Waterloo, Iowa. The College has five additional service locations: Cedar Falls Center; Independence Center; Metro Center; Waverly Outreach Center; and Western Outreach Center. Hawkeye does not have any student organizations that own or control Non-Campus facilities.

The following is information to be reported pursuant to federal law and regulation. This report is intended to inform all current and prospective students and employees of the College's safety and security program.

## **Separate Campuses**

All policy statements contained in this report apply to all campuses unless otherwise indicated.

## **Title IX**

Title IX is a federal civil rights law in the United States of America that was passed as part of the Education Amendments of 1972. **Title IX** states that: No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. Hawkeye Community College has two Title IX Coordinators. One for students and one for employees. These coordinators oversee all Title IX complaints that occur at the college. Their contact information is listed below.

### **For Employees:**

Susan Hauber, Human Resource Services Office (319)-296-4405 Hawkeye Center Room 101D, email at [equity-titleIX@hawkeyecollege.edu](mailto:equity-titleIX@hawkeyecollege.edu)

### **For Students:**

Nancy Henderson, Student Services Office (319)-296-4448 Hawkeye Center Room 208C, email at [equitytitleIX@hawkeyecollege.edu](mailto:equitytitleIX@hawkeyecollege.edu)

## **Reporting Crimes and Campus Emergencies**

All members of the Hawkeye Community College community and all visitors are encouraged to accurately and promptly report potential criminal activity, suspicious behavior, and any emergencies on campus to Public Safety by calling (319)-296-4234. Crimes should be accurately and promptly reported to Public Safety or the appropriate law enforcement agency,

when the victim of a crime elects to, or is unable to, make such a report. Public Safety can be reached directly by calling extension 4234 from any campus telephone or (319)-296-4234 from any phone. Reports may be made in person at the Public Safety office located in Hawkeye Center and can be made 7 days a week from 6 a.m. to 11 p.m. In addition, the Public Safety office number is posted throughout campus.

Members of the community are encouraged to immediately report crimes, offenses or emergencies. This is helpful when assessing the event for potential distribution of a timely warning notices and including them in the annual statistical disclosure.

These reports can be made to:

Public Safety (319)-296-4234

Susan Hauber (Exec. Director of Human Resources and Title IX Coordinator) (319)-296-4405

Nancy Henderson (Dean of Students and Title IX Coordinator) (319)-296-4448

Dr. Matthew Knight (Director of Admissions and CSA) (319)-296-4204

Stephanie Cherry (Assoc. Director of Enrollment Technology and CSA) (319)-296-4437

Ethan Crawford (Assoc. Director of Athletics and CSA) (319)-296-4430

Paige Bergmann (Student Activity Coordinator and CSA) (319)-296-2320 ext. 1018

Lynn Lagrone (Vice President/Provost of Academic Affairs and CSA) (319)-296-4230

Rhonda McRina (Director of Diversity and Inclusion and CSA) (319)-296-4463

Student Services (319)-296-4014.

Any CSA on campus.

## Campus Security Authority

A Campus Security Authority (CSA) is an individual, who by virtue of their college responsibilities and under the Clery Act, is designated to receive and report criminal incidents to the Department of Public Safety so that they may be included and published in the college's Annual Security Report. They have completed training on appropriately handling reporting crimes, victim relations and support, and related school policies.

## Response to a Report

Public Safety Officers are available at (319)-296-4234, 7 days a week from 6 a.m. to 11 p.m. to answer your calls. In response to a call regarding a reported crime, Public Safety will take the required action by meeting with the victim or asking the victim to report to the Public Safety Office to file an incident report. In response to a reported emergency, Public Safety will respond and summon the appropriate resources to assist in the response to the incident. Public Safety Officers will investigate an incident when it is deemed appropriate and forward to the Dean of Students Office if applicable for review and for potential action, as appropriate.

Additional information obtained via the investigation will also be forwarded to the appropriate College personnel. Public Safety will contact local law enforcement or local fire officials if assistance is required. If a sexual assault or rape should occur, staff on the scene, including Public Safety, will offer the victim a wide variety of services.

## Voluntary Confidential Reporting

Crimes and other incidents can be reported on a confidential basis, to the extent allowed by law, to the Public Safety office.

If you are the victim of a crime and do not want to pursue action within the College system or the criminal justice system, you may still want to consider making a confidential report. With your permission, a Public Safety officer can file a report on the details of the incident without revealing your identity (except to the Title IX Coordinator in the event of a reported sex offense or sexual harassment). The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to enhance the future safety of yourself and others. With such information, the College can keep an accurate record of the number of incidents involving students, employees and visitors; determine where there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community to potential danger in a timely manner. Reports filed in this manner are counted and disclosed in the annual crime statistics for the College.

## **Pastoral and Professional Counselors**

As a result of the negotiated rulemaking process which followed the signing into law of the 1998 amendments to 20 U.S.C. Section 1092 (f), clarification was given to those considered to be campus security authorities. Campus “Professional Counselors and Pastoral Counselors,” when acting as such are not considered to be a campus security authority and are not required to report crimes for inclusion in the annual disclosure of crime statistics. As a matter of policy, the professional counselor at the College is encouraged if and when deemed appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary confidential basis to Public Safety.

### **Professional Counselor**

An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution’s community, and who is functioning within the scope of his or her license or certification. The College’s professional counselor is the mental health counselor at the Student Health Clinic.

### **Pastoral Counselor**

Hawkeye Community College does not have Pastoral Counselors on staff.

Public Safety encourages professional counselors; if and when they deem it appropriate, to inform the persons they are counseling to voluntarily report the incident to the Public Safety on a confidential basis for inclusion of the annual disclosure of crime statistics.

## **Access to College Facilities**

The College buildings and facilities are generally intended for the use and benefit of the students and employees. However, the facilities are open and accessible during normal business hours and into the evening and weekend hours depending on the class schedule and events. Visitors and guests seeking to utilize College facilities are expected to make prior arrangements with the appropriate College offices.

The Residential facility is only accessible to building residents and their authorized guests and visitors. Residents should avoid allowing unknown individuals access to the residential building. Public Safety officers monitor security in the residential facility and encourage building residents to report suspicious or unusual activity.

## **Security of Campus**

Public Safety Officers conduct routine patrols of campus buildings (including the residential facility), to evaluate and monitor security related matters.

## **Campus Emergency Response and Immediate Notification**

The Incident Command Team coordinates appropriate actions on behalf of the College in all emergencies in accordance with the Hawkeye Community College Emergency and Crisis Plan and Response Guide. This plan outlines incident priorities, campus organization and specific responsibilities of particular units or positions. This Team consists of the Director of Public Safety, Director of Plant and Facilities, College President and all Cabinet members, and other employees designated based on the specific crisis and are responsible for developing emergency response and continuity of operations plans for their areas and staff. Campus emergency management provides resources and guidance for the development of these plans.

Hawkeye Community College has developed a process to notify the campus community in cases of emergency. While it is impossible to predict every significant emergency or dangerous situation that may occur on campus, the following identified situations are examples which may warrant an emergency (immediate) notification after confirmation: armed/hostile intruder; bomb/explosives (threat); communicable disease outbreak; severe weather; terrorist incident; civil unrest; natural disaster; hazardous materials incident and structural fire.

Upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of student, employees and visitors occurring on the campus, the Director of Public Safety or designee will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system in order to immediately notify the appropriate segment(s) of the campus community.

The Director of Public Safety or designee, in conjunction with the national weather service, local first responders, health service departments, College administrators, etc., will be responsible for confirming the existence of a significant emergency or dangerous situation.

If Public Safety, confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the HCC Community, the Director of Public Safety or designee will collaborate with Public Relations and Marketing to craft the message that will be distributed via some or all of the systems described below to communicate the threat to the College community or to the appropriate segment of the community if the threat is limited to a particular building or segment of the population.

Hawkeye will use some or all of the following systems to communicate an immediate threat to the campus community: [Hawkeye Alert system](#) which sends a voice mail, text message, and/or email; [ALERTUS](#) which sends a warning message to every computer (that is turned on) and every campus phone, fire alarm (where available), public address systems (where available), social media, digital signage (where available), local media, webpage and/or in person communication. If any these systems fail or the College deems it appropriate, in person communication may be used to communicate an emergency.

The Hawkeye Alert includes instructions for taking appropriate actions. Members of the College community are added to the Hawkeye Alert system unless they choose to opt out. Follow-up

messages will be sent to the campus community using some or all of the systems above (except fire alarms).

Members of the College community who know of a crime or other serious incident that could pose an immediate threat to the campus community should report that incident as soon as possible to the Public Safety Office.

The College will, 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 judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

Annual emergency response procedures and evacuation exercises and drills will be conducted involving the College community. In conjunction with other emergency agencies, the College conducts emergency response drills and exercises each year, such as table top exercises, field exercises, and tests of the emergency notification systems on campus. The exercise and drill (test) may be announced or unannounced, and are designed to assess and evaluate the emergency plans and capabilities of the institution. Hawkeye publicizes its emergency

response and evacuation procedures in conjunction with at least one test per calendar year in conjunction with a test (exercise and drill) that meets all of the requirements of the Higher Education Opportunity Act. Emergency evacuation information and routes are posted in all facilities. Public Safety is responsible for maintaining records of all exercises and drills.

Each test is documented and includes a description of the exercise, the date and time of the exercise, and whether it was announced or unannounced.

The local news media may be utilized to disseminate emergency information to members of the larger community, including neighbors, parents and other interested parties. Individuals who are members of the larger community and interested in receiving information pertaining to emergencies on campus may access that information by visiting

[www.hawkeyecollege.edu/emergency-safety](http://www.hawkeyecollege.edu/emergency-safety).

If there is an immediate threat to the health or safety of students or employees occurring on campus, an institution must follow its emergency notification procedures. An institution that follows its emergency notification procedures is not required to issue a timely warning based on the same circumstances; however, the institution must provide adequate follow-up information to the community as needed.

## **Emergency Evacuation Procedures**

The emergency evacuation procedures are tested at least twice each year. Students and employees 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. The Public Safety does not tell building occupants in advance about the designated locations for long-term evacuations because those decisions are affected by time of day, location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. In both cases, Public Safety staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes.

The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of a fire or other emergency. Evacuation drills are used as a way to educate and train occupants on fire safety issues specific to their building. During the drill, occupants “practice” drill procedures and familiarize themselves with the location of exits and the sound of the fire alarm. In addition to educating the occupants of each building about the evacuation procedures during the drills, the process also provides the College an opportunity to test the operation of fire alarm system components.

## General Evacuation Procedures

At the sound of a fire alarm or if you are instructed to evacuate, leave your work area immediately and proceed to the nearest exit, and leave the building. If you are the first to recognize a fire situation, activate the alarm, evacuate to a safe location using the nearest exit, and call 911. Some other tips:

1. Remain Calm
2. Do NOT use elevators. Use the stairs.
3. If you are unable to self-evacuate without the use of elevators, proceed to the “temporary gathering place” as identified on the building emergency evacuation plans posted in all buildings; oftentimes, this is near or in a stairwell. If you are part of a personal support network for someone who is unable to self-evacuate, evacuate the building and immediately notify Public Safety or fire personnel of the individual’s location. Proceed to a clear area at least 150 feet from the building. Keep all walkways clear for emergency vehicles.
4. Make sure all personnel are out of the building.
5. Do not re-enter the building.

## Shelter-in-Place Procedures – What it Means to “Shelter-in-Place”

If an incident occurs and the buildings or areas around you become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors, because leaving the area may expose you to that danger. Thus, to “shelter-in-place” means to make a shelter of the building that you are in, and with a few adjustments this location can be made even safer and more comfortable until it is safe to go outside. **Basic “Shelter-in-Place” Guidance**

If an incident occurs and the building you are in is not damaged, stay inside in an interior room until you are told it is safe to come out. If your building is damaged, take your personal belonging (purse, wallet, access card, etc.) and follow the evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, seek shelter at the nearest College building quickly. If police or fire department personnel are on the scene, follow their directions.

## How You Will Know to “Shelter-in-Place”

A shelter-in-place notification may come from several sources, Public Safety, Housing Staff members, other College employees, Waterloo Police Department, or other authorities utilizing the College’s emergency communications tools.

## **How to “Shelter-in-Place”**

No matter where you are, the basic steps of shelter-in-place will generally remain the same. Should the need ever arise, follow these steps, unless instructed otherwise by local emergency personnel:

1. If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
2. Locate a room to shelter inside. It should be:
  - An interior room;
  - Above ground level; and
  - Without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms maybe necessary.
3. Shut and lock all windows (tighter seal) and close exterior doors.
4. Turn off air conditioners, heaters, and fans.
5. Close vents to ventilation systems as you are able. (College staff will turn off the ventilation as quickly as possible.)
6. Make a list of the people with you and ask someone (hall staff, faculty, or other staff) to call the list in to Public Safety so they know where you are sheltering. If only students are present, one of the students should call in the list.
7. Turn on a radio or TV and listen for further instructions.
8. Make yourself comfortable.

## **Timely Warning Notices**

A timely warning notice will be distributed to the College community when crime is reported or situation arises, within the HCC Clery Geography (On Campus, Public Property and Non-Campus property), that, in the judgement of the Director of Public Safety and in consultation with responsible authorities when time permits, poses a serious or continuing threat to the campus community, a campus wide “timely warning” notice will be issued. Timely warning notices will be distributed to the campus community via email blast to all HCC assigned email accounts. Timely warnings may also be issued using some or all of the following methods of communication: text messages or emails using ALERTUS, Hawkeye Alert, or the telephone intercom system or building postings by Building Administrators.

Timely Warnings are usually distributed for the following Uniformed Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) classifications: major incidents of arson, murder/non-negligent manslaughter, and robbery. Cases of aggravated assault and sex offenses are considered on a case-by-case basis, depending on the facts of the case and the information known by the Public Safety Department. For example, if an assault occurs between two students who have a disagreement, there may be no on-going threat to other Hawkeye community members and a Timely Warning would not be distributed. In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a “timely” warning notice to the community. Sex offenses will be considered on a case by case basis depending on when and where the incident occurred, when it was reported, and the amount of information known by the Public Safety Department. Cases involving property crimes will be assessed on a case by case basis and alerts will typically be sent if there is a discernible pattern of crime. The Director of Public Safety or designee reviews all reports to determine if there is an on-going threat to the community and if the distribution of a Timely Warning is warranted. Timely Warnings may also be posted for other crime

classifications and locations, even though that is not required by the law, at the sole discretion of Public Safety Department, as deemed necessary.

Timely Warnings are typically written by the Director of Public Safety or designee. The Director of Public Safety or designee usually distributes the Timely Warnings using systems identified above. Timely Warnings will be distributed as soon as pertinent information is available to students and employees in a manner that is timely, that withholds the names of victims as confidential, and that will aid in the prevention of similar occurrences.

The institution is not required to issue a Timely Warning with respect to crimes reported to a pastoral or professional counselor.

## **Crime Statistics and Residential Fire Statistics**

The Hawkeye Community College Security and Safety Statistics are compiled from all reported incidents to Public Safety personnel. A formal report is not needed in order for a statistic to be included in the annual crime report.

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the College community obtained from the following sources: Public Safety, Waterloo Police Department, Black Hawk County Sheriff's Office, Cedar Falls Police Department, Independence Police Department, Buchanan County Sheriff's Office, and the Grundy County Sheriff's Office, and non-police officials identified by Federal Law as Campus Security Authorities. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported. A written request for statistical information is made on an annual basis to all Campus Security Authorities (as defined by federal law).

All of the statistics are gathered, compiled, and reported to the College community via this report, which is published by the Public Safety Office. Public Safety submits the annual crime statistics published in this brochure to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website. The report is published by October 1 of the current year and includes statistics for the previous calendar year. For example, the report published by October 1, 2020 includes statistics for the previous 3 calendar years: 2017, 2018, and 2019. The Public Safety office compiles Crime Report Statistics for any incident which occurs at any College owned or operated location. The staff, in cooperation with local law enforcement agencies, keeps a record of these statistics and reports the information to the National Uniform Crime Report Division of the FBI.

The Crime Report Statistics for the previous three calendar years are as follows:

## Main Campus

Offense	Year	On Campus	Student Housing	Total On Campus*	Non-Campus	Public Property
Murder/ Non-Negligent Manslaughter	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Negligent Manslaughter	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Rape	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Fondling	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Incest	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Statutory Rape	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Robbery	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Aggravated Assault	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Burglary	2019	0	0	0	0	5
	2018	1	0	1	0	1
	2017	0	0	0	1	0
Motor Vehicle Theft	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Arson	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Domestic Violence**	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Dating Violence**	2019	1	0	1	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Stalking**	2019	0	0	0	0	0
	2018	0	0	0	0	0

	2017	1	0	1	0	0
<b>Hate Crimes**</b>	2019	No Hate Crimes Reported				
	2018	No Hate Crimes Reported				
	2017	No Hate Crimes Reported				

Arrests/Referrals	Year	On Campus	Student Housing	Total On Campus*	Non-campus	Public Property
Weapons Law Violation						
Arrest	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Discipline/Referral	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	1	0	1	0	0
Drug Law Violation						
Arrest	2019	0	0	0	0	3
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Discipline/Referral	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Liquor Law Violation						
Arrest	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	1	0
Discipline/Referral	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0

Unfounded Crimes ***
2019
2018
2017

\* Total on campus crimes include residential facility incidents.

\*\* Hate crimes include all the offenses listed above along with the following offenses: larceny-theft, simple assault, intimidation, damage/vandalism of property. Categories of bias are: race, religion, sexual orientation, gender, gender identity, disability, ethnicity, and national origin.

\*\*\* Unfounded means that a sworn or commissioned law enforcement officer has investigated the reported incident and determined the incident to be false or baseless. Unfounded crimes are not counted in any other category.

## Residential Fire Statistics\*

### Hawkeye Community College Main Campus Annual Fire Statistics

Year	Residential Facility	Address	Total # of Fires	Fire #	Date of Fire	Time of Fire	Cause	Number of Injuries Requiring Medical Treatment	# of Deaths	Value of Property Damage
2019	Farm House	5503 Hammond Avenue, Waterloo IA	0	0	N/A	N/A	N/A	N/A	N/A	N/A
2018	Farm House	5503 Hammond Avenue, Waterloo IA	0	0	N/A	N/A	N/A	N/A	N/A	N/A
2017	Farm House	5503 Hammond Avenue, Waterloo IA	0	0	N/A	N/A	N/A	N/A	N/A	N/A

\*The Main Campus is the only facility with student housing.

## Cedar Falls Center

Offense	Year	On Campus	Student Housing	Total On Campus*	Non-Campus	Public Property
Murder/ Non-Negligent Manslaughter	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Negligent Manslaughter	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Rape	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Fondling	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Incest	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Statutory Rape	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Robbery	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Aggravated Assault	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0

Burglary	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
Motor Vehicle Theft	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
Arson	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
Domestic Violence**	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
Dating Violence**	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
Stalking**	2019	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
<b>Hate Crimes**</b>	2019	No Hate Crimes Reported			
	2018	No Hate Crimes Reported			
	2017	No Hate Crimes Reported			

Arrests/Referrals	Year	On Campus	Student Housing	Total On Campus*	Non-campus	Public Property
Weapons Law Violation						
Arrest	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Discipline/Referral	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Drug Law Violation						
Arrest	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Discipline/Referral	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Liquor Law Violation						
Arrest	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Discipline/Referral	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0

Unfounded Crimes ***
2019
2018
2017

\* Total on campus crimes include residential facility incidents.

\*\* Hate crimes include all the offenses listed above along with the following offenses: larceny-theft, simple assault, intimidation, damage/vandalism of property. Categories of bias are: race, religion, sexual orientation, gender, gender identity, disability, ethnicity, and national origin.

\*\*\* Unfounded means that a sworn or commissioned law enforcement officer has investigated the reported incident and determined the incident to be false or baseless. Unfounded crimes are not counted in any other category.

## Independence Center

Offense	Year	On Campus	Student Housing	Total On Campus*	Non-Campus	Public Property
Murder/ Non-Negligent Manslaughter	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Negligent Manslaughter	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Rape	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Fondling	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Incest	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Statutory Rape	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Robbery	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Aggravated Assault	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Burglary	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Motor Vehicle Theft	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Arson	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Domestic Violence**	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Dating Violence**	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Stalking**	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0

<b>Hate Crimes**</b>	2019	No Hate Crimes Reported			
	2018	No Hate Crimes Reported			
	2017	No Hate Crimes Reported			

Arrests/Referrals	Year	On Campus	Student Housing	Total On Campus*	Non-campus	Public Property
<b>Weapons Law Violation</b>						
Arrest	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Discipline/Referral	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
<b>Drug Law Violation</b>						
Arrest	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Discipline/Referral	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
<b>Liquor Law Violation</b>						
Arrest	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Discipline/Referral	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0

Unfounded Crimes ***	
2019	0
2018	0
2017	0

\* Total on campus crimes include residential facility incidents.

\*\* Hate crimes include all the offenses listed above along with the following offenses: larceny-theft, simple assault, intimidation, damage/vandalism of property. Categories of bias are: race, religion, sexual orientation, gender, gender identity, disability, ethnicity, and national origin.

\*\*\* Unfounded means that a sworn or commissioned law enforcement officer has investigated the reported incident and determined the incident to be false or baseless. Unfounded crimes are not counted in any other category.

## Adult Learning Center

Offense	Year	On Campus	Student Housing	Total On Campus*	Non-Campus	Public Property
Murder/ Non-Negligent Manslaughter	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Negligent Manslaughter	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Rape	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Fondling	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Incest	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Statutory Rape	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Robbery	2019	0	0	0	0	1
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Aggravated Assault	2019	1	0	1	0	1
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Burglary	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Motor Vehicle Theft	2019	0	0	0	0	2
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Arson	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Domestic Violence**	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Dating Violence**	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Stalking**	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Hate Crimes**	2019	No Hate Crimes Reported				
	2018	No Hate Crimes Reported				

	2017	No Hate Crimes Reported
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Arrests/Referrals	Year	On Campus	Student Housing	Total On Campus*	Non-campus	Public Property
<b>Weapons Law Violation</b>						
Arrest	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Discipline/Referral	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
<b>Drug Law Violation</b>						
Arrest	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Discipline/Referral	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
<b>Liquor Law Violation</b>						
Arrest	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Discipline/Referral	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0

Unfounded Crimes ***
2019
2018
2017

\* Total on campus crimes include residential facility incidents.

\*\* Hate crimes include all the offenses listed above along with the following offenses: larceny-theft, simple assault, intimidation, damage/vandalism of property. Categories of bias are: race, religion, sexual orientation, gender, gender identity, disability, ethnicity, and national origin.

\*\*\* Unfounded means that a sworn or commissioned law enforcement officer has investigated the reported incident and determined the incident to be false or baseless. Unfounded crimes are not counted in any other category.

## Western Outreach Center

Offense	Year	On Campus	Student Housing	Total On Campus*	Non-Campus	Public Property
Murder/ Non-Negligent Manslaughter	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Negligent Manslaughter	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Rape	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Fondling	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Incest	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Statutory Rape	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Robbery	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Aggravated Assault	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Burglary	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Motor Vehicle Theft	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Arson	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Domestic Violence**	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Dating Violence**	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Stalking**	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Hate Crimes**	2019	No Hate Crimes Reported				
	2018	No Hate Crimes Reported				

2017	No Hate Crimes Reported
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Arrests/Referrals	Year	On Campus	Student Housing	Total On Campus*	Non-campus	Public Property
Weapons Law Violation						
Arrest	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Discipline/Referral	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Drug Law Violation						
Arrest	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Discipline/Referral	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Liquor Law Violation						
Arrest	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0
Discipline/Referral	2019	0	0	0	0	0
	2018	0	0	0	0	0
	2017	0	0	0	0	0

Unfounded Crimes ***
2019
2018
2017

\* Total on campus crimes include residential facility incidents.

\*\* Hate crimes include all the offenses listed above along with the following offenses: larceny-theft, simple assault, intimidation, damage/vandalism of property. Categories of bias are: race, religion, sexual orientation, gender, gender identity, disability, ethnicity, and national origin.

\*\*\* Unfounded means that a sworn or commissioned law enforcement officer has investigated the reported incident and determined the incident to be false or baseless. Unfounded crimes are not counted in any other category.

## **Definitions of Reportable Crimes**

### **Aggravated assault**

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by a means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife or other weapon is used that could and possibly would result in serious personal injury if the crime were successfully completed.)

### **Arson**

Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

### **Burglary**

The unlawful entry of a structure to commit a felony or a theft.

### **Criminal Homicide**

Murder and non-negligent manslaughter

The willful (non-negligent) killing of one human being by another.

### **Negligent manslaughter**

The killing of another person through gross negligence.

### **Drug abuse violations**

Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

### **Hate crimes**

The Clery Act requires institutions to separately report all Hate Crimes statistics on any of the previously mentioned offenses or any other crime involving bodily injury reported to local police agencies or to a campus security authority, that manifest evidence that the victim was intentionally selected because of the perpetrator's bias or the perpetrator perceived the person to be in one of the protected group categories: Race, Gender, Religion, Sexual Orientation, Ethnicity, and Disability.

As of August 14, 2008, the Clery Act was amended to include larceny/simple assault, intimidation and destruction/damage/vandalism (except arson) as reportable categories of hate crimes.

### **Liquor law violations**

The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned activities. (Drunkenness and driving under the influence are not included in this definition.)

### **Motor vehicle theft**

The theft or attempted theft of a motor vehicle.

## **Robbery**

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.

## **Sex Offenses**

Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- A. Fondling—The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- B. Incest—Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- C. Statutory Rape—Sexual intercourse with a person who is under the statutory age of consent.

## **Weapon law violations**

The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: the manufacture, sale, or possession of deadly weapons; the carrying of deadly weapons, concealed or openly; the furnishing of deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned acts.

## **Daily Crime Log**

The Public Safety office maintains records of all crimes and serious incidents that occur on main campus or at any Center which will include the nature, date, time, and general location of each incident reported to the Public Safety office, as well as the disposition. These records and the public inspection of same are controlled by all relevant state and federal laws. The Daily Crime Log is available to the public for review, at the Public Safety Office in the upper level of the Hawkeye Center Room 216, from 8 a.m.– 5 p.m. Monday through Friday, excluding holidays. The Daily Crime Log is also available online at:

<https://www.hawkeyecollege.edu/webres/File/about/crime-log.pdf>

## **Iowa Sex Offender Registry**

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student. Iowa law requires a person who has been convicted of a sex offense crime anywhere to register with the Sheriff in the county in which they reside, and, if the person attends or works for an institution of higher education, register with the sheriff in the county in which the institution is located.

## **Maintenance of Campus Facilities**

Hawkeye Community College maintains campus facilities in a manner that minimizes hazardous and unsafe conditions. Parking lots and pathways are illuminated with lighting. The Public Safety Manager and Officers and the Plant and Facilities Director along with Maintenance and custodial staff at Hawkeye Community College work together to ensure that the campus is as safe as possible. Lighting, landscaping, and other safety-related aspects of the campus are continually monitored, maintained and repaired. It is helpful when members of the College community report equipment problems to Public Safety at 319-296-4234 or to Facilities Management at 319-296-2320 ext. 1424.

## **Nondiscrimination Statement**

Hawkeye Community College does not discriminate on the basis of sex; race; age; color; creed; national origin; religion; disability; marital status; sexual orientation; gender identity; genetic information; political affiliation or belief in its employment practices; educational programs and activities; admission procedures; outreach and recruitment; counseling and guidance; testing; selection, placement, appointment, and referral; or promotion/retention. Veteran status in educational programs, activities, employment practices, or admission procedures is also included to the extent covered by law. Students, prospective students, employees, or applicants for employment alleging a violation of equity regulations shall have the right to file a formal complaint. Inquiries concerning application of this statement should be addressed to: Equity Coordinator, Human Resource Services, Hawkeye Community College, 1501 East Orange Road, P.O. Box 8015, Waterloo, Iowa 50704-8015, telephone 319-2964405.

## **Policies Regarding Alcohol & Illegal Drugs**

Hawkeye Community College prohibits the unlawful or unauthorized manufacture, distribution, dispensation, possession, use, or sale of alcoholic beverages, controlled substances, and illegal drugs on campus. The State of Iowa has primary responsibility for the enforcement of State underage drinking laws as well as the enforcement of Federal and State drug laws.

For the College's main campus and the Metro Center, the Black Hawk County Sheriff's Office, or the Waterloo Police Department has primary responsibility for the enforcement of State underage drinking laws as well as the enforcement of Federal and State drug laws.

For the Cedar Falls Center, the Black Hawk County Sheriff's Office or the Cedar Falls Police Department has primary responsibility for the enforcement of State underage drinking laws as well as the enforcement of Federal and State drug laws.

For the Waverly Center, the Bremer County Sheriff's Office or the Waverly Police Department has primary responsibility for the enforcement of State underage drinking laws as well as the enforcement of Federal and State drug laws.

For the Independence Center, the Buchanan County Sheriff's Office or the Independence Police Department has primary responsibility for the enforcement of State underage drinking laws as well as the enforcement of Federal and State drug laws.

For the Western Outreach Center, the Grundy County Sheriff's Office has primary responsibility for the enforcement of State underage drinking laws as well as the enforcement of Federal and State drug laws.

The impairment by alcohol or drugs of any student or employee while participating in an academic function, or of employees when reporting for work or engaging in work – during normal work hours or other times when required to be at work – is also prohibited. Hawkeye employees and students are required to abide by all federal and state laws, local ordinances, Iowa Department of Education policies, and other related requirements regarding the consumption or possession of alcoholic beverages, controlled substances, and illegal drugs. Additionally, Hawkeye is concerned about the academic success of students and the safety of all members of the campus community and is committed to maintaining an academic and social environment conducive to the intellectual and personal development of students.

### **Alcohol-Free & Drug-Free Workplace Statement**

Hawkeye Community College is committed to providing a drug free environment for all students and employees. This policy addresses alcohol, drugs and other intoxicants. The purpose of this policy is to clarify the rules regarding possession, consumption and distribution of intoxicants within college owned or operated buildings, property and grounds including administrative, instructional and research facilities; the policy applies to all college employees and students. In all instances this policy will be construed to comply with federal and state law.

### **Drug Free Schools and Communities Act**

In compliance with the Drug Free Schools and Communities Act, Hawkeye Community College publishes information regarding the College's educational programs related to drug and alcohol abuse prevention; sanctions for violations of federal, state, and local laws and College policy; a description of health risks associated with alcohol and other drug use; and a description of available treatment programs for HCC students and employees. A complete description of these topics, as provided in the College's annual notification to students and employees, is available online at: [www.hawkeyecollege.edu/webres/File/about/alcohol-and-other-drugprevention-biennial-review.pdf](http://www.hawkeyecollege.edu/webres/File/about/alcohol-and-other-drugprevention-biennial-review.pdf)

### **Applicability**

Hawkeye's Alcohol and Drug policy is intended to apply whenever anyone is representing or conducting business for the college.

### **Prohibited Behavior**

It is a violation of Hawkeye's Alcohol and Drug policy to unlawfully manufacture, use, possess, sell, trade, and/or offer for sale alcohol, illegal drugs, controlled substances or intoxicants. A controlled substance shall include any substance defined as a controlled substance in Section 102 of the Federal Controlled Substance Act (21 U.S. Code 802). Moreover, it is a violation of policy to intentionally misuse and/or abuse prescription medications. Appropriate disciplinary action will be taken.

### **Communication**

Communicating Hawkeye's Alcohol and Drug policy to all individuals is critical to its success. To ensure all Hawkeye Community College employees are aware of their role in supporting Hawkeye's alcohol- and drug-free workplace, all employees will receive a summary of the Alcohol and Drug policy and a Web link to access the complete policy document during the annual notification of policies. Students will receive an email annually from the Dean of Students about the college's Alcohol and Drug Policy.

Hawkeye Community College will make a good faith effort to have and to maintain an alcohol- and drug-free workplace and learning environment.

## **Health Risks**

Hawkeye Community College recognizes that the use of illicit drugs and alcohol abuse may lead to severe health risks.

Health risks associated with alcohol abuse and/or illicit drug use:

- Violence – fights, vandalism, sexual assaults, homicide and suicide are far more likely to occur when drinking is involved.
- Unprotected sex – individuals are less likely to use safe sex practices when drinking, which can result in unplanned pregnancy and exposure to sexually transmitted diseases.
- Serious injury – over 53% of all fatal automobile accidents in the U.S. involve alcohol use.
- Addiction – although anyone can become addicted, those with a family history of alcohol or other drug addiction are at least four times more likely to develop alcoholism.
- Lowered resistance to disease/illness.
- Increased risk of ulcers, heart disease, and cancers of the liver, mouth, throat and stomach.
- Fetal Alcohol Syndrome (FAS)/Fetal Alcohol Effects (FAE) – women who drink during pregnancy may give birth to infants with physical deformities, brain damage and mental retardation. If a woman is pregnant, trying to become pregnant, or suspects she is pregnant; she should abstain from alcohol and other drug use.
- Illicit drug use may result in:
- Physical or psychological dependency;
- A craving or inability to stop using drugs;
- Adverse effects on the body systems; injury due to motor vehicle crashes, assaults or other unintended acts;
- Disruption of personal relationships and work habits;
- Ineligibility for some types of employment
- Health risks associated with Drug and Alcohol use facts you should know if you are considering the consumption of alcoholic beverages:
- Iowa's legal drinking age is 21.
- Iowa's legal blood alcohol limit is .08.
- The fine for possession of alcohol under the legal age is \$300. If you DO choose to drink:

Misuse of alcohol or drugs inhibits your ability to act responsibly or react quickly. Below are a few safety tips you should keep in mind:

- Limit your alcohol intake.
- Avoid combining alcohol with prescription medicines and club drugs; the combination can be dangerous.

- Never leave your drink unattended or accept a pre-poured drink from a stranger.
- Buzzed or drunk driving is deadly and illegal; leave your vehicle parked and find other transportation. Your life and others' lives depend upon your decision.

## **Alcohol-Free Opportunities**

Students are encouraged to take advantage of alcohol-free programming provided by Hawkeye Community College Student Life and other activities on- and off-campus.

## **Student Housing**

The possession or consumption of alcoholic beverages in on-campus housing is strictly forbidden. Hawkeye Community College reserves the right for immediate expulsion from housing on the farm for any violation of its stated policies.

## **Domestic and International Field Trips / Study Abroad / Overseas Programs**

Students participating in domestic field trips or academic programs, or visiting foreign countries to attend field trips or academic programs abroad are reminded that they may be subject to arrest and legal sanctions for alcohol or drug offenses under the laws and regulations of that particular state, country or institution in addition to the sanctions described in the Student Conduct Code and those adopted by the International Student Services Office.

## **No Use of College Finances**

No College controlled finances will be utilized for the purchase or sale of alcoholic beverages or any controlled substance on or off College premises except where such items are used as a part of an approved activity or educational program.

## **Consequences**

One of the goals of Hawkeye's alcohol- and drug-free workplace program is to encourage employees to voluntarily seek help with alcohol and/or drug problems. If an individual violates the policy, the consequences can be serious even if the employee begins a treatment program. Individuals suspected of violating either alcohol or drug policy may be referred to authorities for investigation. Conviction of either state or federal alcohol or drug statutes may subject a student or an employee to disciplinary action. Students employed on-campus are considered College employees while working and are subject to sanctions as an employee under this policy.

## **Notification of Convictions**

Employees must report all arrests, charges, or convictions under a criminal drug or alcohol statute for violations occurring on or off College premises. A report of such conviction must be made in writing to the Human Resource Services Office within five (5) days after the conviction.

## **Disciplinary Actions – Students**

The College responds to reports of the illegal use of substances through its discipline system. Students in violation of Hawkeye's Alcohol and Drug policy will face disciplinary actions as noted in the Student Conduct Code. The Student Conduct Code applies to conduct that occurs on college premises and college-sponsored activities, and to off-campus conduct that adversely affects the college community and/or the pursuit of its objectives. Additionally, college disciplinary proceedings may be instituted against a student charged with conduct that

potentially violates both criminal law and the Student Conduct Code (that is, if both possible violations result from the same factual situation).

### **Parental Notification**

In accordance with a 1998 amendment to FERPA, Hawkeye Community College school officials have the discretion to notify parents or guardians of students who, at the time of disclosure, are under the age of 21, and have violated any federal, state, or local laws, or violated any rule or policy of the institution governing the use or possession of alcohol or controlled substance. Attempt at parental notification will be made:

1. After the finding of a second alcohol offense and any subsequent alcohol offense; or after the finding of a first alcohol offense if the violation is more serious, such as but not limited to, driving under the influence of alcohol or in conjunction with another violation, especially one involving violence or property damage;
2. For any drug offense; or
3. During a medical emergency involving a student. Exceptions to parental notification may be made based on circumstance as determined by school officials with legitimate educational interest.

### **Disciplinary Actions – Employees**

All employees are expected to dedicate their best efforts to the performance of their work assignments. Any employee who engages in violations of the standards of conduct, misconduct, or insubordination at work or away from work which violates any of the established policies or rules of Hawkeye Community College or engages in misconduct which otherwise violates Hawkeye Community College's reasonable expectations for employee conduct may be disciplined.

Disciplinary sanctions may include, but are not limited to: warning, reprimand, suspension with or without pay, suspension for part of a day or for a period of one or more days, demotion, or termination of employment. The College reserves the right to impose any disciplinary sanction without prior warning including but not limited to termination. Other disciplinary sanctions may also be imposed.

### **Legal Sanctions**

Both state and federal laws prohibit distribution of, manufacture of, or possession with intent to distribute a controlled substance or a counterfeit controlled substance. State penalties range from 5 years to life confinement and a fine of \$1,000 to \$1,000,000, depending upon the type and quantity of drug involved. Conviction may also result in the loss of state and federal benefits, such as grants, school loans, or work assistance, during the time periods required by federal law. Specific drugs, amounts, and penalties are described in Iowa Code § 124.

Maximum federal penalties range from one-year confinement to life imprisonment and a fine of \$250,000 to \$4,000,000, depending upon the type and quantity of drug involved. State and federal legal sanctions are subject to change by the General Assembly and Congress, respectively.

## Iowa Laws & Penalties

Offense Possession	Penalty	Incarceration	Maximum Fine
Any amount (first offense)	Misdemeanor	6 months	\$1,000
Any amount (second offense)	Misdemeanor	1 year	\$1,875
Any amount (third offense)	Misdemeanor	2 years	\$6,250

Offenders who are chronic abusers of marijuana may be sent to rehab.

Cultivation or Distribution**	Penalty	Incarceration	Maximum Fine
50 kg or less	Felony	5 years	\$7,500
50 – 100 kg	Felony	10 years	\$50,000
100 – 1000 kg	Felony	25 years	\$100,000
Involving a minor	Felony	5* - 25 years	\$100,000
To a minor within 1000 feet of a park, elementary or middle school, or school bus	Felony	10 years*	\$100,000

\* Mandatory minimum sentence

\*\* Distribution includes possession with intent to distribute

## Hash & Concentrates

Penalties for hashish are the same as for marijuana except in one circumstance. Please see the marijuana penalties section for further details.

## Paraphernalia

Penalty	Incarceration	Maximum Fine
Possession, distribution or manufacture of paraphernalia	6 months	\$1,000

## Miscellaneous

Sponsoring, promoting, or assisting in a gathering where marijuana will be used, distributed, or possessed: misdemeanor 1 year \$1,875.

Possession with intent to sell large amounts can lead to an automatic driver's license suspension.

## Penalty Details

Marijuana is a schedule hallucinogenic substance under the Iowa Controlled Substances Act.

See: Iowa Code § 124.204(4)(m) **Possession for Personal Use**

For first offenders, possession of any amount of marijuana is a misdemeanor and is punishable by a fine of up to \$1,000 and/or up to 6 months of imprisonment. Second offenders are subject to a fine of \$315-\$1,875 and/or up to 1 year of imprisonment. Third offenses are considered aggravated misdemeanors and are punishable by a fine of \$625-\$6,250 and/or up to 2 years of imprisonment. See: Iowa Code § 124.401(c)(5) Iowa Code § 903.1 Iowa Code § 124.409

Offenders who are chronic abusers of marijuana may be sent to rehab. If this program is successfully completed the court may place the defendant on probation. See: Iowa Code § 124.409

Possession of marijuana within 1,000 feet of an elementary school, secondary school, public park, or school bus is punishable by the penalty for possession and 100 hours of community service. See: Iowa Code § 124.401B

### **Cultivation or Distribution**

Distribution of marijuana includes possessing marijuana with the intent to distribute it. Delivery or possession with intent to deliver one half ounce or less of plant form marijuana without remuneration is equivalent to simple possession in Iowa, with penalties for a first offense being a misdemeanor with incarceration of no more than 6 months, and a fine of no more than \$1,000 dollars. Subsequent convictions for delivery without remuneration will be punished more severely, just as subsequent simple possession convictions would be. See: Iowa Code § 124.410

Distribution or cultivation of 50 kilograms of marijuana or less is a class D felony punishable by a fine of \$750- \$7,500 and up to 5 years of imprisonment. Distribution or cultivation of 50-100 kilograms of marijuana is a class C felony and is punishable by a fine of \$1,000-\$50,000 and up to 10 years of imprisonment. Distribution or cultivation of 100-1,000 kilograms of marijuana is a class B felony and is punishable by a fine of \$5,000-\$100,000 and up to 25 years of imprisonment. See: Iowa Code § 124.401(1)(b)

If a person over the age of 18 solicits a person under the age of 18 to assist in the distribution or cultivation of marijuana this act is punishable as a class C felony by a fine of \$1,000-\$50,000 and up to 10 years of imprisonment. See: Iowa Code § 124.406(a)

If a person over the age of 18 distributes marijuana to someone under the age of 18 this constitutes a Class B felony punishable by a fine of \$5,000- \$100,000 and up to 25 years of imprisonment, in addition a mandatory minimum term of 5 years will apply. If the sale to a minor occurs within 1,000 feet of a park, elementary school, middle school, or marked school bus a mandatory minimum term of 10 years will apply. See: Iowa Code § 124.406

### **Hash & Concentrates**

Iowa classifies Marijuana and Tetrahydrocannabinols separately as hallucinogenic substances in Schedule 1 of the Iowa Controlled Substances Schedule. For the purposes of criminal justice, plant Marijuana and all Tetrahydrocannabinol derivatives thereof, including hashish and marijuana concentrates, are defined as Marijuana and punished equally in all but one circumstance. The only circumstance where plant-form Marijuana is treated differently is for a charge of delivery or possession with intent to deliver one half ounce or less without remuneration. In that circumstance, plant form marijuana is punished equivalent to the penalties for simple possession, whereas delivery, or possession with intent to deliver an equivalent amount of hashish, hash oil, or other derivatives are punished in accordance with the regular penalties for distribution. See: Iowa Code § 124.101 Iowa Code § 124.204 Iowa Code § 124.401 Iowa Code § 124.410

### **Paraphernalia**

Possession, distribution, or manufacture of marijuana paraphernalia is a simple misdemeanor and is punishable by a fine of up to \$1,000 and/or up to 6 months imprisonment. Paraphernalia

includes any item that is knowingly used to ingest, inhale, manufacture, enhance, or test marijuana quality. See: Iowa Code § 124.414

**Penalties for Driving Under the Influence of Alcohol or Drugs in Iowa**

Offense	Fine	And/or Jail	License Suspension
1 <sup>st</sup>	\$625-\$1,250	2 days to 1 year	180 days
2 <sup>nd</sup>	\$1,875-\$6,250	7 days to 2 years	2 years
3 <sup>rd</sup>	\$3,125-\$9,375	30 days to 5 years	6 years

**Iowa Zero Tolerance for Minors Driving Under the Influence of Alcohol or Drugs**

Drivers under the age of 21 with a blood alcohol concentration (BAC) of .02 % but less than .08% will be subject to the following penalties:

- First Offense - Your driver's license will be suspended for 60 days.
- Second or Subsequent Offense - Your driver's license will be suspended for 90 days.

Offenders under the age of 21 will not be eligible to obtain a temporary restricted license for at least 60 days after the date of revocation. Drivers with a BAC of .08 or more will face a misdemeanor charge. Penalties include:

- Jail for at least 48 hours
- A fine of \$1,250
- 180-day driver's license suspension.

The court may allow you to perform community service in lieu of the fine and it may ask you to complete a substance abuse treatment course.

See: Iowa Code § 321J.2 Iowa Code § 321J.2A Iowa Code § 321J.12 Iowa Code § 321J.4

**Persons Under Legal Age – Possessing or consuming alcohol**

1. A person shall not sell, give, or otherwise supply alcoholic liquor, wine, or beer to any person knowing or having reasonable cause to believe that person to be under legal age.
2. A person or persons under legal age shall not purchase or attempt to purchase, or individually or jointly have alcoholic liquor, wine, or beer in their possession or control; except in the case of liquor, wine, or beer given or dispensed to a person under legal age within a private home and with the knowledge, presence, and consent of the parent or guardian, for beverage or medicinal purposes or as administered to the person by either a physician or dentist for medicinal purposes and except to the extent that a person under legal age may handle alcoholic beverages, wine, and beer during the regular course of the person's employment by a liquor control licensee, or wine or beer permittee under this chapter.
3. A person who is under legal age, other than a licensee or permittee, who violates this section regarding the purchase of or attempt to purchase alcoholic liquor, wine, or beer, or possessing or having control of alcoholic liquor, wine, or beer, commits the following:
  - (1) A simple misdemeanor punishable as a scheduled violation under section 805.8C, subsection 7.
  - (2) A second offense shall be a simple misdemeanor punishable by a fine of five hundred dollars. In addition to any other applicable penalty, the person in violation of this section shall choose between either completing a substance abuse evaluation or the suspension of the person's motor vehicle operating privileges for a period not to exceed one year.
  - (3) A third or subsequent offense shall be a simple misdemeanor punishable by a fine of five hundred dollars and the suspension of the person's motor vehicle operating privileges for a period not to exceed one year.

- b. The court may, in its discretion, order the person who is under legal age to perform community service work under section 909.3A, of an equivalent value to the fine imposed under this section.
- c. If the person who commits a violation of this section is under the age of eighteen, the matter shall be disposed of in the manner provided in chapter 232.
4. Except as otherwise provided in subsections 5 and 6, a person who is of legal age, other than a licensee or permittee, who sells, gives, or otherwise supplies alcoholic liquor, wine, or beer to a person who is under legal age in violation of this section commits a serious misdemeanor punishable by a minimum fine of five hundred dollars.
5. A person who is of legal age, other than a licensee or permittee, who sells, gives, or otherwise supplies alcoholic liquor, wine, or beer to a person who is under legal age in violation of this section which results in serious injury to any person commits an aggravated misdemeanor.
6. A person who is of legal age, other than a licensee or permittee, who sells, gives, or otherwise supplies alcoholic liquor, wine, or beer to a person who is under legal age in violation of this section which results in the death of any person commits a class "D" felony.

See: Iowa Code § 123.47

## **Alcohol and Drug Prevention Programs/Education and Awareness**

Hawkeye Community College has a vested interest in the health and well-being of its students and employees. In order to promote a healthy campus community, Hawkeye Community College provides educational programs for its students and staff on the subjects of drugs, alcohol, and sexual violence. Guest lectures, video presentations, and seminars are held to provide information to our college community about such areas as peer pressure resistance, health concerns, rehabilitation, and awareness.

Hawkeye recognizes substance abuse as a treatable condition and offers programs and services for employees and students. The programs provide services related to substance use and abuse including dissemination of informational materials, educational programs, counseling services, and referrals.

- Student Life: The Student Life Office provides preventative, educational, and informative services to Hawkeye Community College regarding substance use and abuse. Working with other campus departments and organizations, the Student Life Department strives to impact the negative effects of substance abuse on student success.
- Student Health Clinic: The clinic provides a confidential setting to explore concerns and achieve a better understanding of yourself — your feelings, attitudes, and strengths.

## **Resources for Assistance – Students and Employees**

Students who are concerned about their own drug or alcohol use and/or about that of others are encouraged to contact the Student Health Clinic. When appropriate, students may be referred to private counselors. Contact the Student Health Clinic, located in the HESC Building on campus, at (319) 296-4224. The Student Health Clinic can provide counseling and referrals for substance abuse issues.

Employees of the college who are concerned about their own drug or alcohol use and/or of their family members, may contact the Employee Assistance Program (EAP) at (800)-327-4692.

Additional Resources for Assistance (for both students and employees)

Alcoholics Anonymous (319) 291-3660; [www.aa-iowa.org](http://www.aa-iowa.org) )

Al-Anon – <http://www.nycalanon.org/>

Pathways (319) 235-6571; [www.pathwaysb.org](http://www.pathwaysb.org) )

Covenant Horizons (319) 272-2873); Crisis Line (800)-273-8255

Narcotics Anonymous (800)-897-6242; [www.iowa-na.org](http://www.iowa-na.org) )

Iowa Substance Abuse Information Center (866)-242-4111; [www.drugfreeinfo.org](http://www.drugfreeinfo.org) )

Focus on Recovery Helpline (alcohol/drugs) – (800)-374-2800 or (800)-234-1253

Department of Health and Human Services Drug and Alcohol Treatment Referral Routing Service – (800)-662-4357

Veterans – Locate the closest VAMC or VA Regional Office: (877)-222-8387

National Suicide Prevention Lifeline – (800)-SUICIDE (800)-784-2433

National Alliance for the Mentally Ill – (800)-950-6264

## **Public Safety**

Hawkeye Community College provides public safety coverage seven-days-a-week, from 6 a.m. to 11 p.m. Public Safety Officers are trained in basic first aid, emergency procedures, patrolling and C.P.R. Services performed include:

- locking and unlocking buildings
- random and preventive patrols of campus
- escorts
- enforcement of college regulations
- enforcing college parking regulations
- medical emergency response
- emergency message delivery

Public Safety Officers are not authorized to enforce local/state laws or to arrest individuals.

Hawkeye Public Safety officers enforce College policies and have jurisdiction to do so on College owned or controlled property.

The Public Safety office maintains good working relationships with federal, state and local law enforcement authorities, including Waterloo Police Department, Independence Police Department, Waverly Police Department, Cedar Falls Police Department, University of Northern Iowa Police Department, Black Hawk County Sheriff's Office, Bremer County Sheriff's Office, Buchanan County Sheriff's Office, Grundy County Sheriff's Office, and Iowa State Patrol, but there is no written memorandum of understanding regarding any topic, including the

investigation of criminal incidents, in place between Public Safety and the outside law enforcement agencies.

#### Monitoring and Recording of Criminal Activity by Students at Non-campus locations of Recognized Student Organizations

HCC does not have officially recognized student organizations that own or control housing facilities. Therefore, local law enforcement is not used to monitor and record criminal activity since there are no Non-campus locations of student organizations.

### **Security Awareness and Crime Prevention Programming**

One of the essential ingredients of any successful crime prevention program is an informed public. It is the intent of the Hawkeye Community College to inform students of good crime prevention and security awareness practices.

During the 2019-2020 academic year Hawkeye offered approximately 50 educational programs (this includes MORE sessions). Public Safety attends all orientation sessions to describe services and promote safety. Topics such as personal safety, drug and alcohol abuse awareness and sexual assault prevention are some examples of the programming.

All effective crime prevention and security awareness programs include people watching out for one another; all staff and students being responsible for their own security and the security of others. They are asked to be alert, security-conscious and involved. Call Public Safety to report suspicious behavior. For additional questions regarding crime prevention, contact the Public Safety department directly at (319) 296-4234.

As part of the department's philosophy, Hawkeye Public Safety offers crime prevention presentations each semester to classrooms, campus clubs and student groups as requested. Topics of these presentations include personal safety awareness, Rape Aggression Defense (R.A.D.) and property protection strategies. Anyone interested in having a Public Safety Officer speak to his or her classroom or group should contact them at (319) 296-4234.

### **Policies and Procedures for Sexual Assault, Domestic Violence, Dating Violence, and Stalking, and other Sexual Offenses**

The College has policies and procedures in place that serve to be sensitive to victims who report sexual misconduct, including sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges and the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and an accused party, such as changes to housing, academic, protective orders, transportation and working situations, if reasonably available. The College will make such accommodations or protective measures, if the victim requests them and if they are reasonable available, regardless of whether the victim chooses to report the crime to the Hawkeye Public Safety or local law enforcement. Students and employees should contact Public Safety at (319) 296-4234.

If a report of domestic violence, dating violence, sexual assault or stalking is reported to the College, below are the procedures that the College will follow:

Incident Being Reported	Procedure Institution Will Follow
<b>Sexual Assault</b>	<ol style="list-style-type: none"> <li>1. Depending on when reported (immediate vs delayed report), institution will provide complainant with access to medical care</li> <li>2. Institution will assess immediate safety needs of complainant</li> <li>3. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department</li> <li>4. Institution will provide complainant with referrals to on and off campus mental health providers</li> <li>5. Institution will assess need to implement interim or long-term protective measures, if appropriate.</li> <li>6. Institution will provide the victim with a written explanation of the victim's rights and options</li> <li>7. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate</li> <li>8. Institution will provide written instructions on how to apply for Protective Order</li> <li>9. Institution will provide a copy of the policy applicable to Sexual Assault to the complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution</li> <li>10. Institution will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is</li> <li>11. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation</li> </ol>
<b>Stalking</b>	<ol style="list-style-type: none"> <li>1. Institution will assess immediate safety needs of complainant</li> <li>2. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department</li> <li>3. Institution will provide written instructions on how to apply for Protective Order</li> <li>4. Institution will provide written information to complainant on how to preserve evidence</li> <li>5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate</li> <li>6. Institution will provide the victim with a written explanation of the victim's rights and options</li> <li>7. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate</li> </ol>

<b>Dating Violence</b>	<ol style="list-style-type: none"> <li>1. Institution will assess immediate safety needs of complainant</li> <li>2. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department</li> <li>3. Institution will provide written instructions on how to apply for Protective Order</li> <li>4. Institution will provide written information to complainant on how to preserve evidence</li> <li>5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate</li> <li>6. Institution will provide the victim with a written explanation of the victim's rights and options</li> <li>7. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate</li> </ol>
<b>Domestic Violence</b>	<ol style="list-style-type: none"> <li>1. Institution will assess immediate safety needs of complainant</li> <li>2. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department</li> <li>3. Institution will provide written instructions on how to apply for Protective Order</li> <li>4. Institution will provide written information to complainant on how to preserve evidence</li> <li>5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate</li> <li>6. Institution will provide the victim with a written explanation of the victim's rights and options</li> <li>7. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate</li> </ol>

### **Assistance for Victims: Rights & Options**

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the college will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options. Additionally, the College publishes the procedures a victim should follow if such a crime occurs, including written information about:

- the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred
- (A) the importance of preserving evidence that may assist in proving that an alleged criminal offense occurred or in obtaining a protection order;
- (B) how and to whom an alleged offense should be reported;
- (C) options about the involvement of law enforcement and campus authorities, including notification of the victim's option to notify proper law enforcement authorities, be assisted by

campus authorities in notifying law enforcement authorities if the victim so chooses, and declining to notify such authorities; and

(D) the rights of victims and the institution's responsibilities for orders of protection, "no-contact" orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court in Iowa or by the College;

(E) information about how the institution will protect the confidentiality of victims and other necessary parties, and

- a statement that the institution will provide written notification to students and employees about victim services within the institution and in the community;
- a statement regarding the institution's provisions about options for, available assistance in, and how to request accommodations and protective measures; and

(F) the procedures for College disciplinary action in sexual misconduct cases, including alleged dating violence, domestic violence, sexual assault, or stalking.

In the case of disciplinary proceedings for sexual misconduct cases, including alleged dating violence, domestic violence, sexual assault, or stalking, the College publishes procedures, which

- (1) describes each type of disciplinary proceeding used by the College, the steps, anticipated timelines, and decision-making process for each type of disciplinary proceeding, how to file a disciplinary complaint, and how the College determines which type of proceeding to use based on the circumstances;
- (2) describes the standard of evidence used during any disciplinary proceeding;
- (3) lists all of the possible sanctions that the College may impose following the results of any institutional disciplinary proceeding; and
- (4) describes the range of protective measures that the institution may offer to the victim following an allegation.

### **Adjudication of Violations**

The College's published procedures ensure through policy language and practice that the proceedings will

- (1) include a prompt, fair, and impartial process from the initial investigation to the final result;
- (2) be conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability, and have no conflict of interest or bias;
- (3) provide both parties with the same opportunities to have others present during any College disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice;
- (4) does not limit the choice of advisor or presence for either party in any meeting or institutional disciplinary proceeding,

(5) requires simultaneous notification, in writing, to both parties of the results of the proceeding, appeal procedures, any change to the result, and when the result is final. In addition, the procedures provide for proceedings which are:

- completed within reasonably prompt timeframes (within 60 days of the report which allows for extensions of timeframes for good cause with written notice to the complainant and the respondent of the delay and the reason for the delay) and are conducted consistent with the College's policies;
- completed in a transparent manner to the complainant and the respondent;
- include timely notice of meetings at which the parties may be present; and
- provide timely and equal access to the parties and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings.

The College publishes these policies and procedures, and describes this information, through its [Sexual Misconduct Policy](#). This Policy is available to all students and employees of the College on the College's website, in the Student Handbook, in the Employee Handbook, and in hard copy in various locations throughout campus. The text of the Policy is as follows:

Hawkeye Community College strives to provide a safe and secure educational and workplace environment. Sexual discrimination in the form of sex-based harassment (including sexual harassment), sexual assault and abuse, and sexual exploitation (collectively "Sexual Misconduct") is prohibited by the College. The College also prohibits dating violence, domestic violence, sexual assault and stalking (as defined by the Clery Act) and reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all members of the college community. Dating Violence, Domestic Violence, Sexual Assault and Stalking can also be forms of sex-based harassment (whether sexually motivated or not), and shall be considered "Sexual Misconduct" for purposes of this Policy. Prohibited conduct under this Policy also includes attempting or aiding in the commission of Sexual Misconduct or retaliating against another for exercising his/her rights under this Policy. The College is committed to educating students, staff and faculty about its policies and procedures against sexual discrimination and Sexual Misconduct. Any such instances of discrimination and/or misconduct will be dealt with promptly by the College.

"Sexual abuse" as contemplated by Iowa Code § 260C.14(18) is a form of Sexual Misconduct, and College students and employees should refer to this Policy for information on counseling, campus security, education, and the prompt reporting of acts constituting sexual abuse to law enforcement.

The College issues this statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault and stalking as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which will be followed regardless of whether the incident occurs on or off campus when it is reported to a College official.

#### Scope of Policy:

This Policy governs the conduct of all college students, employees and third parties whose actions impact the College's educational and working environment, regardless of sexual orientation or gender identity. This Policy applies to all locations of the College, College sponsored activities and incidents occurring off-campus which affect the College environment

or mission. It is intended to ensure that the College's policies and procedures related to Sexual Misconduct are interpreted and applied consistently with Title VI, IX, the Violence Against Women Act (VAWA), the Clery Act, Iowa Code § 260C.14(18) and other applicable law.

## **Prohibited Conduct/Sexual Misconduct Definition**

1. Sex-Based Harassment (including Sexual Harassment) is unwelcome conduct of a sexual nature or aimed at another because of sex when:
  - Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment or status in a course, program or activity;
  - Submission to or rejection of such conduct is used as a basis for an employment or educational decision affecting an individual; or
  - Has the purpose or effect of unreasonably interfering with an individual's work or academic performance, or creates an intimidating, hostile, or offensive working or educational environment.
- a. Harassing conduct includes various types of unwelcome verbal, written or physical conduct, such as unwelcome touching; sexually explicit offensive jokes; sexually degrading graphic, verbal or written comments or questions of a sexual nature; sexual innuendo; sexual threats; obscene gestures; inappropriate humor and jokes about gender specific traits or sexual orientation; sexual propositions; sexually suggestive or insulting sounds and actions, including, whistling, leering, and obscene gestures; and may include Sexual Assault or Sexual Exploitation.
- b. A hostile environment exists when Sex-Based Harassment is sufficiently severe or pervasive/persistent and patently offensive so that it alters the conditions of education or employment, from both a subjective (the alleged victim's) and an objective (reasonable person's) viewpoint. The determination of whether an environment is "hostile" must be based on the circumstances. These circumstances could include:
  - 1) the frequency of the conduct;
  - 2) the nature and severity of the conduct;
  - 3) the identity and relationships of persons involved;
  - 4) the location of the conduct and the context in which it occurred;
  - 5) whether the conduct was physically threatening;
  - 6) whether the conduct was humiliating;
  - 7) the effect of the conduct on the alleged victim's mental or emotional state;
  - 8) whether the conduct was directed at more than one person;
  - 9) whether the conduct arose in the context of other discriminatory conduct;
  - 10) whether the conduct unreasonably interfered with the alleged victim's educational or work performance;
  - 11) whether the statement is a mere utterance of an epithet which engenders offense in an employee or student, or offends by mere courtesy or rudeness;
  - 12) whether the speech or conduct deserves the protections of academic freedom.

The more severe the Sex-Based Harassment, the less need there is to show a repetitive series of incidents to find a hostile environment. Indeed, a single instance of Sexual Assault may be sufficient to create a hostile environment. Likewise, a series of incidents may be sufficient even if the Sex-Based Harassment is not particularly severe.

Sex-based actions which are offensive or inappropriate, but do not rise to the level of creating a hostile environment, can still be reported and, where appropriate, the College will take remedial steps intended to end or prevent such actions in the future.

Conduct is considered “unwelcome” if an individual did not request or invite it and considered the conduct to be undesirable or offensive.

“Sex-Based” Harassment includes both actual and perceived sex, including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes.

“Sexual abuse” as contemplated by Iowa Code § 260C.14(18) is a form of Sexual Misconduct, and College students and employees should refer to this Policy for information on counseling, campus security, education, and the prompt reporting of acts constituting sexual abuse to law enforcement.

Sexual Assault as defined by the Clery Act:

An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is “any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.”

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

2. Sexual Assault: “Sexual Assault” (including all acts constituting “Sexual Abuse” under Iowa law) is actual or attempted sexual contact with another person without that person’s consent. Sexual assault includes, but is not limited to, the following behaviors without consent:
  - a. Intentional touching of another person’s “intimate” parts, including genitals, buttocks, breast, or other body parts;
  - b. Coercing, forcing, or attempting to coerce or force a person to touch another person’s “intimate” parts;
  - c. Rape or attempted rape;
  - d. Penetration, no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by an object, or (2) the mouth of a person by a sex organ of another person;
  - e. Engaging in sexual activity with a person who is unable to provide consent due to the influence of drugs, alcohol, or other condition;
  - f. Inducing consent through drugs or alcohol; or

- g. Ejaculation onto the person of another.

Jurisdictional Definition of “Sexual Assault”: The State of Iowa does not define “Sexual Assault.” However, Iowa criminal code uses the term “Sexual Abuse” under Iowa Code § 709.1:

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

The act is done by force or against the will of the other. If the consent or acquiescence of the other is procured by threats of violence toward any person or if the act is done while the other is under the influence of a drug inducing sleep or is otherwise in a state of unconsciousness, the act is done against the will of the other.

Such other person is suffering from a mental defect or incapacity which precludes giving consent, or lacks the mental capacity to know the right and wrong of conduct in sexual matters.

Such other person is a child.

Iowa Code § 709.1. “Sex act” is defined under Iowa Code § 702.17 as: “any sexual contact between two or more persons by any of the following: 1. Penetration of the penis into the vagina or anus; 2. Contact between the mouth and genitalia or by contact between the genitalia of one person and the genitalia or anus of another person; 3. Contact between the finger or hand of one person and the genitalia or anus of another person, except in the course of examination or treatment by a person licensed pursuant to chapter 148, 148C, 151, or 152; 4. Ejaculation onto the person of another; 5. By use of artificial sexual organs or substitutes therefor in contact with the genitalia or anus.”

3. Sexual Exploitation: “Sexual Exploitation” occurs when a person takes sexual advantage of another person without that person’s consent, including but not limited to sexual intimidation or distribution/publication of sexual or intimate information about another person.

4. Dating Violence as defined by the Clery Act:

“Dating Violence” is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

- a) The length of the relationship.
- b) The type of relationship.
- c) The frequency of interaction between the persons involved in the relationship.

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.

For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Jurisdictional Definition of “Dating Violence”: Iowa Code does not provide a per se definition for “dating violence.”

5. Domestic Violence as defined by the Clery Act:

“Domestic Violence” is a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

as well as any act that constitutes “domestic abuse” under Iowa Code § 236.2.

Jurisdictional Definition of “Domestic Violence”: Iowa Code does not provide a per se definition for “domestic violence.” However, Iowa law does define “domestic abuse” as committing assault as defined in Iowa Code § 708.1 under any of the following circumstances:

- a. The assault is between family or household members who resided 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 persons are or have been in an intimate relationship, the court may consider the following nonexclusive list of factors:

The duration of the relationship.

The frequency of interaction.

Whether the relationship has been terminated.

The nature of the relationship, characterized by either party's expectation of sexual or romantic involvement.

(2) A person may be involved in an intimate relationship with more than one person at a time.

An “assault” is defined under Iowa Code § 708.1 as:

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

Any act which is intended to cause pain or injury to, or which is intended to result in physical contact which will be insulting or offensive to another, coupled with the apparent ability to execute the act.

Any act which is intended to place another in fear of immediate physical contact which will be painful, injurious, insulting, or offensive, coupled with the apparent ability to execute the act.

Intentionally points any firearm toward another, or displays in a threatening manner any dangerous weapon toward another.

3. An act described in subsection 2 shall not be an assault under the following circumstances:
  - a. If the person doing any of the enumerated acts, and such other person, are voluntary participants in a sport, social or other activity, not in itself criminal, and such act is a reasonably foreseeable incident of such sport or activity, and does not create an unreasonable risk of serious injury or breach of the peace.
  - b. If the person doing any of the 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, 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.

6. Stalking as defined by the Clery Act:

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 which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.
- 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.

For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

“Stalking” occurs when:

- a. The person purposefully engages in a course of conduct directed at a specific person that would cause a reasonable person to fear bodily injury to, or the death of, that specific person or a member of the specific person’s immediate family.
- b. The person has knowledge or should have knowledge that the specific person will be placed in reasonable fear of bodily injury to, or the death of, that specific person or a member of the specific person’s immediate family by the course of conduct.
- c. The person’s course of conduct induces fear in the specific person of bodily injury to, or the death of, the specific person or a member of the specific person’s immediate family. Iowa Code § 708.11.

Jurisdictional Definition of “Stalking”: Iowa Code § 708.11 defines the offense of “stalking” as:

The person purposefully engages in a course of conduct directed at a specific person that would cause a reasonable person to fear bodily injury to, or the death of, that specific person or a member of the specific person’s immediate family.

The person has knowledge or should have knowledge that the specific person will be placed in reasonable fear of bodily injury to, or the death of, that specific person or a member of the specific person’s immediate family by the course of conduct.

The person’s course of conduct induces fear in the specific person of bodily injury to, or the death of, the specific person or a member of the specific person’s immediate family.

7. Retaliation: Taking an action against an individual for seeking guidance, making a report, supporting a complainant, or assisting in providing information relevant to a report or complaint, or filing a complaint under this Policy.

## Definition of Consent

“Consent” is defined as clearly communicating agreement or permission to participate in sexual activity. The consenting individuals must act freely and voluntarily and have knowledge of the act involved. Such consent may be withdrawn at any time, without regard to the preceding activity. A current or previous relationship, or past consent, is not sufficient to constitute consent. Consent may not be inferred from silence or passivity. Consent is voluntary, affirmative and clear. Consent cannot be given when a person is incapacitated (such as due to the use of drugs or alcohol, when a person is asleep or unconscious, or because of an intellectual disability that prevents an individual from having the capacity to give consent). Coercion, force, or threats invalidate consent.

Jurisdictional Definition of “Consent”: Iowa Code does not provide a per se definition for “consent.” Thus, the College uses its institutional definition of “consent” as defined in its Sexual Misconduct Policy (included above).

## Confidentiality

Hawkeye is committed to creating an environment that encourages those who have experienced any form of Sexual Misconduct to come forward. The College will work to safeguard the personally identifiable information and privacy of those who seek help or who report Sexual Misconduct. It is important that those reporting Sexual Misconduct understand

the limits on confidentiality of the individual who they may contact for such assistance. Different people, depending on their positions, have different obligations with regard to confidentiality.

Under Iowa law, communications with some individuals are confidential. Those who want to maintain confidentiality should always confirm whether confidentiality applies to the communication before they make the communication. Generally, confidentiality applies when seeking services from the following persons:

- Trained and statutorily certified victim's advocates (such as individuals at crisis centers such as Waypoint or Friends of the Family).
- Licensed psychological counselor (such as the mental health counselor in the Student Health Clinic).
- Licensed health care providers (including medical professionals at the Student Health Clinic).
- Personal attorney representing the victim.
- Religious/spiritual counselor.

Any other College employee, including counselors in the Student Services Office, cannot guarantee complete confidentiality. However, information is disclosed only to select officials who have an essential need to know in order to carry out their job responsibilities, such as those investigating/adjudicating a complaint or providing interim protective measures. The College will also keep personally identifiable information out of public recordkeeping, including the College's Annual Security Report of Crime Statistics under the Clery Act.

As is the case with any educational institution, the College must balance the needs of the individual students with its obligation to protect the safety and well-being of the community at large. Therefore, depending on the seriousness of the alleged incident, further action may be necessary, including a timely warning notice to the campus community. The notice would not contain any information identifying the person who brought the complaint.

## **Options for Assistance Following an Incident of Sexual Misconduct [Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs]**

### **Medical Attention and Evidence Preservation**

After an incident of sexual assault, dating violence or domestic violence, the victim should consider seeking medical attention as soon as possible at a local hospital or clinic, both for physical well-being and to preserve medical and physical evidence. A free, confidential medical examination from a Sexual Assault Nurse Examiner (SANE) can be obtained. In Iowa, evidence may be collected even if you chose not to make a report to law enforcement<sup>1</sup>. If a victim chooses to seek medical attention he/she simply has to show up at a hospital emergency room and tell the staff that they wish to be examined by a SANE. The victim is NOT required to give their name or other personal information. It is recommended that the

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<sup>1</sup> Under the Violence Against Women and Department of Justice Reauthorization Act of 2005, starting in 2009, states must certify that they do not "require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both."

victim abstain from bathing, douching, smoking, changing clothing or cleaning the scene of the assault if the offense occurred within the past 96 hours so that evidence may be preserved. This may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infections.

Preserve other evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to College adjudicators/investigators or police.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining criminal/civil protective orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with Campus Public Safety or other law enforcement to preserve evidence in the event he or she decides to act at a later date to assist in proving the alleged criminal offense occurred. This will also be helpful in obtaining a protection order.

## **Victim Advocacy, Confidential Reporting and Mental Health Counseling**

Victims of Sexual Misconduct may also want to contact an advocacy group for information and assistance, or seek mental health counseling. The following is a list of such resources on or accessible from the College area:

On Campus:

Hawkeye Community College Student Health Clinic (Mental Health Counseling with licensed providers)\*

Health Education and Services Center Building  
(319) 296-4224

Off-Campus:

Cedar Valley Friends of the Family\*  
(319) 352-0037 or (800)-410-SAFE (7233)  
<http://cvfriendsofthefamily.org>

Waypoint Services\*  
(319) 365-1458 or 800-208-0388  
<http://www.waypointservices.org>

Riverview Center\*  
(319) 939-9 9599  
<http://www.riverviewcenter.org>

Iowa Domestic Violence Hotline\*  
(800)-942-0333  
[www.cfiowa.org](http://www.cfiowa.org)

National Domestic Violence Hotline\*

(800)-799-SAFE (7233)  
(800)-787-3224 (TTY)  
<http://www.thehotline.org>

\*Denotes confidential resource.

## Reporting, Investigation and Disciplinary Procedures

### Reporting to Law Enforcement

The College strongly encourages all members of its community to report instances of Sexual Misconduct which constitute a crime to local law enforcement (including on campus security and/or local police (including on campus law enforcement and/or local police), but it is a victims' right to choose whether or not to make a report or decline law enforcement involvement. Hawkeye Public Safety will assist any victim with notifying law enforcement if the victim so desires. If making a report to law enforcement, whether on or off-campus, a report should be made to law enforcement in the applicable jurisdiction:

For the College's main campus and any of Hawkeye's metro sites (Adult Learning Center or Cedar Falls Center), call the Black Hawk Consolidated Communications Center at (319) 291-2515 to be connected to the Black Hawk County Sheriff's Office, or Waterloo, Cedar Falls, Evansdale, Hudson, LaPorte City, Gilbertville and Dunkerton Police Departments.

For the Independence Center, call the Buchanan County Sheriff's Office at (319) 334-2567 or the Independence Police Department at (319) 334-2520.

For the Western Outreach Center, call the Grundy County Sheriff's Office at (319) 824-6933

In any emergency situation, law enforcement can always be reached by dialing 911. In addition, if the Sexual Misconduct occurs on campus, Campus Security can be contacted at (319) 296-4234 for immediate assistance, and to provide help with reaching law enforcement.

Criminal acts may subject the perpetrator to criminal and civil penalties under federal and state law.

### Reporting to the College

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the Title IX Coordinator. Victims may report the incident by calling, writing or coming into the office to report in person. The victim may also report the incident(s) to Hawkeye Community College Public Safety (if the victim so desires).<sup>2</sup> Reports of all domestic violence, dating violence, sexual assault and stalking made to HCC Public Safety will automatically be referred to the Title IX Coordinator for investigation regardless if the complainant chooses to pursue criminal charges.

To report an incident involving Sexual Misconduct, including dating violence, domestic violence, sexual assault or stalking, whether it occurred on or off-campus, contact:

Hawkeye Community College Public Safety Office (319)-296-4234 Hawkeye Center Room 216, email at [hccpublicsafety@hawkeyecollege.edu](mailto:hccpublicsafety@hawkeyecollege.edu)

Title IX Coordinator for Students, Nancy Henderson, Student Services Office (319)-296-4448 Hawkeye Center Room 208C, email at [equitytitleIX@hawkeyecollege.edu](mailto:equitytitleIX@hawkeyecollege.edu)

Title IX Coordinator for Employees, Susan Hauber, Human Resource Services Office (319)-296-4405 Hawkeye Center Room 101D, email at [equity-titleIX@hawkeyecollege.edu](mailto:equity-titleIX@hawkeyecollege.edu)

If you report to any other non-confidential resource, including any other non-confidential College employee or representative, they are also expected to refer the report to one of the above referenced individuals. Confidential reporting resources are listed above. Disclosing experiences with sexual harassment or sexual violence as a participant in public awareness events or discussion forums will not trigger reporting and investigation obligations.

### **Institutional Complaints**

A victim, the College, or a member of the college community may file an institutional complaint of Sexual Misconduct, whether or not it occurred on campus. To receive information regarding filing a complaint or to do so, contact the following:

#### **For Students:**

Title IX Coordinator for Students: *Nancy Henderson*  
(319) 296-4448 [equity-titleIX@hawkeyecollege.edu](mailto:equity-titleIX@hawkeyecollege.edu)

#### **For Employees:**

Title IX Coordinator for Employees: *Susan Hauber*  
(319) 296-4405 [equity-titleIX@hawkeyecollege.edu](mailto:equity-titleIX@hawkeyecollege.edu)

The Title IX Coordinator or designee will explain the procedures for filing and investigating the complaint, and refer the complainant to other resources (including counseling or law enforcement) as appropriate. A written report or complaint is typically required for a case to be referred for action, and the respondent will have the right to see the written complaint.

As noted above, the College may or may not be able to honor all requests to keep the details or identities in a complaint of Sexual Misconduct confidential, and will need to weigh the interests of the complainant against its obligation to provide a safe, non-discriminatory environment for all students and employees, including the complainant. If the College honors requests for confidentiality in the complaint process, a complainant must understand that the College's ability to fully investigate the incident and pursue disciplinary action against the respondent may be limited.

### **Amnesty for Complainants and Participants in Investigations**

The College will not pursue disciplinary action for improper use of alcohol or other drugs against a student who reports or makes a complaint in good faith concerning an incident of Sexual Misconduct, or who participates in good faith in an investigation into an incident of Sexual Misconduct.

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

After receiving a report or complaint of Sexual Misconduct, which includes Dating Violence, Domestic Violence, Stalking or Sexual Assault, reasonable interim protective measures/accommodations may be offered or requested, whether or not law enforcement is contacted. The Title IX Coordinator or their designee will determine whether interim interventions and protective measure should be implemented, and, if so, take steps to implement those protective measures as soon as possible. The College will also implement

interim or protective action for both parties during an investigation. Interim Protective measures/accommodations, when reasonably available, may include, but not limited to:

- Transfer of class sections
- Assistance in exploring incompletes, leave or withdrawal;
- Changes in living, transportation or working arrangements;
- Safety Planning;
- Referral to counseling and health resources, and assistance with notifying law enforcement;
- Providing a campus, no-contact agreement/order.

Violations of the Title IX Coordinator's directives and/or protective measures will constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by Hawkeye Community College.

Individuals may also pursue other civil or criminal no-contact/protective orders through the court system. The College will keep any protective measures confidential, to the extent confidentiality does not impair the College's ability to provide the measures.

In compliance with Iowa law, the College recognizes both criminal no-contact orders and civil protective orders. If you obtain an order of protection from a court in Iowa, you should provide a copy to the College's Public Safety office and a Title IX Coordinator\*\*. You may then meet with College officials to develop a plan to reduce risk of harm while on campus or coming and going from campus. This plan may include, for example: escorts, special parking arrangements, changing classroom location, allowing a student to complete assignments from home, etc.

## **Complaint Resolution Process [Procedures for institutional disciplinary action in cases of alleged Dating Violence, Domestic Violence, Sexual Assault, or Stalking]**

Upon receipt of a complaint or report of Sexual Misconduct, [which includes Dating Violence, Domestic Violence, Sexual Assault, or Stalking,] the College will proceed with the resolution procedures described below, and where appropriate, sanctions and corrective measures will be taken. All steps of the College's resolution procedures (including investigation and disciplinary procedures) will be prompt, fair, and impartial investigation and resolution process. College officials who receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking (and on how to conduct an investigation and process that protects the safety of victims and promotes accountability) will handle such complaints.

### **Former Students, Former Employees, or Third Parties**

If any party or parties are not under the full jurisdiction of the College (for example, former students, former employees, or other third parties), the College will conduct an investigation to the extent reasonably possible. In these situations, the College will endeavor to provide coequal rights and notifications to the parties, but may reasonably tailor the procedures to the circumstances. If a finding of Sexual Misconduct is made, the College may impose sanctions appropriate for the situation, such as a no readmission sanction, a no-rehire sanction, or a no trespass/no-contact order.

## **Informal Resolution Process**

In some cases, the Title IX Coordinator(s)\*\* may determine, after receiving a complaint and conducting a review of the circumstances, that informal resolution is an appropriate means of addressing reported behaviors and responding to the complainant's concerns. Informal resolution will only be pursued when both parties voluntarily agree to informal resolution, and the parties are informed in writing of their right to request the complaint be handled under the College's formal resolution process at any time.

During the informal resolution process, the parties will be given the same opportunities to have others present for interviews or meetings, which includes the opportunity to be accompanied to interviews by a silent representative/support person/steward/advisor of their choice.

The informal resolution process will only be utilized in appropriate cases. In no event will informal resolution be used in cases of sexual assault/abuse, or where there is a power differential between the parties (e.g., if the complainant is a student and the respondent is an employee with authority over the student). At no time during the informal resolution process will the complainant be required to resolve the issue directly with the respondent.

Sanctions and/or protective measures may be taken as the result of an informal resolution process, if both parties agree to such measures. The parties will be informed simultaneously and in writing of any measures taken, and any resolution reached will be final. The College will retain a record of the resolution reached.

## **Formal Resolution Process**

### **Investigators**

All other cases of alleged Sexual Misconduct will be investigated by an Investigator assigned by the Title IX Coordinator\*\*. If, prior to the initiation of the investigation, either the complainant or the respondent alleges that an Investigator has a conflict of interest, after hearing from both parties on the topic, the Title IX Coordinator\*\* will decide whether to excuse the Investigator and announce his/her decision in writing to both parties. If the Title IX Coordinator\*\* determines that the Investigator should be excused, or if an Investigator is unavailable to conduct the investigation, the Title IX Coordinator\*\* will appoint a replacement Investigator.

\* The College reserves the right, in the discretion of the Title IX Coordinator\*\* and/or the President, to utilize an external Investigator(s) to conduct an investigation under this Policy, in lieu of the internal Investigator identified herein.

### **Investigation Process**

Upon receipt of a complaint or report of Sexual Misconduct, the Title IX Coordinator\*\* will prepare a notice of complaint document that identifies: The respondent;

- The complainant (unless the Title IX Coordinator\*\* has decided to honor a request by the complainant to remain confidential);
- The date(s) of the alleged misconduct;
- A brief description of the allegation;
- The specific provisions of this Policy that were allegedly violated;
- The investigatory process that will follow.

This notice of complaint document will be provided to both parties. If reasonably possible, the Title IX Coordinator\*\* should deliver the notice of complaint document to both individuals

personally, so that he/she can explain the nature of the complaint(s) and the investigatory process.

During the investigation, both the complainant and respondent:

Will be allowed to present their version of events to the Investigator and to provide any supporting evidence.

Will have the same opportunities to have others present for interviews, which includes the opportunity to be accompanied to interviews by a silent representative/support person/steward/advisor of their choice. The silent representative or advisor will not be allowed to provide information to the Investigator or ask questions of the party during the interview process.

Will be allowed to identify witnesses, all of whom will be interviewed by the Investigator absent a compelling reason why such an interview cannot take place. If the Investigator determines that an identified witness cannot or should not be interviewed, both parties will be informed in writing of this decision, unless safety considerations prevent such disclosure.

Will be given an opportunity to review all tangible evidence submitted or identified by the other party and given an opportunity to comment on that evidence, unless safety considerations prevent such disclosure.

Will be notified of the witnesses identified by the other party and be given an opportunity to comment on those witnesses and identify rebuttal witnesses, unless safety considerations prevent such disclosure.

All investigations will be conducted as discretely as is practicable. Witness interviews might be audio recorded, and if so, all such recordings shall at all times remain the property of the College. Individuals making good faith allegations of Sexual Misconduct and those participating in such investigations will not be subjected to Retaliation.

At the conclusion of the investigation, the Investigator will determine whether a preponderance of the evidence supports a finding that this Policy was violated. A preponderance of the evidence is evidence from which the Investigator can determine that it is more likely than not that a violation occurred. The Investigator will prepare a written Notice of Decision supporting the decision and deliver it to both parties simultaneously and the Title IX Coordinator\*\*.

The Notice of Decision will:

Identify who is issuing the decision and whether an appeal is available (and if so, how to perfect such an appeal); notice of the finding of whether the alleged conduct occurred; any individual remedies for the complainant;

In non-violence cases, notice of any sanctions imposed on the accused that directly relate to the complainant;

In violence cases, notice of all sanctions imposed on the respondent;

Steps being taken to eliminate the misconduct and prevent recurrence.

In most cases the Investigation/Determination Processes will be concluded within sixty (60) days after the complainant makes the official college report. However, if circumstances are

such that the process will not be rendered in this time-frame for good cause, the complainant and the respondent will be so advised in writing and provided a general time-frame for the conclusion of the process and the reason for the delay.

Sanctions that directly relate to the complainant include, but are not limited to, requiring that the respondent stay away from the complainant for some period, prohibiting the respondent from attending school or working at the school for some period; or transferring the respondent to another residence hall, classes, school, or job.

### **Sanctions**

College sanctions may be imposed upon those determined to have violated this Policy. For students, sanctions include verbal reprimands, written warnings, probation, loss of privileges, fines, restitution, educational or work assignments, suspension, expulsion, revocation of admission, withholding a degree, or removal from courses.

For employees, sanctions could range from warning, reprimand, suspension with or without pay, suspension for part of a day or for a period of one (1) or more days, demotion, or termination of employment, and may include such other forms of disciplinary action as appropriate under applicable College procedures.

Sanctions may also include protective measures regarding the complainant, including no-contact orders or changes in arrangement to academic or working situations. The College will also consider providing remedies for the broader campus community, as may be necessary to remedy the effects of the Sexual Misconduct.

### **Appeal**

The parties may appeal the Notice of Decision according to the following appeal procedures:

The Notice of Decision may be appealed by the respondent or complainant to the Title IX Coordinator\*\* within five (5) business days of the decision. Such appeals will be in writing and will be delivered to the Title IX Coordinator\*\*.

If an appeal is timely filed, the Title IX Coordinator\*\* will send written notification to the respondent, complainant, and Investigator stating:

That the appeal has been filed;

The specific reason for the appeal, including a copy of the written appeal document; and

That they have the opportunity to submit additional relevant information and/or statements for review to the Title IX Coordinator\*\* within five (5) business days; and

The identity of the person hearing the appeal (the "Appeal Authority").

If the respondent is a student and the Investigator found the student responsible and issued a sanction of suspension or expulsion, the Appeal Authority shall be an Appeal Panel for an Appeal Hearing;

If the respondent is a student and the Investigator found the student not responsible or issued a sanction of less than suspension or expulsion, the Appeal Authority shall be the Vice President of Academic Affairs for a Written Appeal; and

If the respondent is an employee, the Appeal Authority shall be the appropriate Cabinet member or designee overseeing the respondent employee's division for a Written Appeal.

The Title IX Coordinator\*\* will ensure that the Appeal Authority is provided with the following materials: (a) the notice of complaint document; (b) the investigatory materials (including all interview recordings and tangible evidence considered by the Investigator during the investigation); (c) the Investigator's Notice of Decision; (d) the Notice of Appeal; and (e) any documents/statement provided to the Notice of Appeal. These materials comprise the "Record on Appeal."

The Appeal Authority will hear the appeal for one or more of the following purposes:

To assess whether a material deviation from written procedures impacted the fairness of the investigation;

To determine whether the decision was supported by substantial evidence;

To determine whether the sanction(s) imposed were appropriate for the violation of this Policy;

To consider new information, sufficient to alter a decision not brought out in the original hearing because such information and/or facts were not known to the person appealing at the time of the original hearing.

The Appeal Authority may affirm, reverse, or modify the decision regarding the violation and/or sanctions imposed.

### **Procedures - Appeal Panel and Hearing**

The Appeal Panel shall consist of three individuals appointed by the Title IX Coordinator from a pool of trained administrators/faculty. If a party alleges one or more Appeal Panel members has a conflict of interest and the Title IX Coordinator\*\* determines that the Appeal Panel member should be excused, the Title IX Coordinator will appoint a replacement.

The Title IX Coordinator\*\* shall also appoint one of the three Appeal Panel members to act as a Chairperson. The Chairperson of the Appeal Panel shall preside as the hearing officer over the hearing, and resolve all questions of procedure.

Once the Appeal Panel is selected, the parties will be provided with written notice which (1) gives the date, time, and place of the hearing, and (2) provides a copy of all additional information submitted by the parties with or following the Notice of Appeal. The time set for the hearing will ensure a prompt and equitable resolution and will be held not less than five (5) nor more than fifteen (15) business days after deadline to submit additional relevant information.

The parties shall be given an opportunity to request documents in the investigatory materials (including all interview recordings and tangible evidence considered by the Investigator during the investigation) to prepare for the Appeal Hearing (unless prohibited from disclosure by law, privilege, work product protection, or to protect the health and safety of the victim or witnesses).

Hearings are closed to the public. The parties and their advisor(s), if any, will be allowed to attend the entire portion of the Appeal Hearing at which information is received (excluding deliberations). Admission of any other person to the Appeal Hearing will be at the discretion of the Chairperson of the Appeal Panel.

Each party has the right to be assisted by an advisor they choose, at their own expense. However, the parties are responsible for presenting his or her own case on appeal, and therefore, advisors are not permitted to speak or to participate directly in any Appeal Hearing. A party should select as an advisor a person whose schedule allows attendance at the scheduled

date and time for the Appeal Hearing, because delays will not normally be allowed due to the scheduling conflicts of an advisor.

The College's evidence against the respondent will be presented by the Investigator(s) or designee.

The parties may request witnesses present pertinent information to the Appeal Panel, and/or relevant documentation be considered. Questions to the witnesses may be suggested by the parties to be answered by each other or the witnesses. This will be conducted by the Appeal Panel with such questions directed to the Chairperson, rather than to the witness directly, with consideration given to whether additional measures (such as use of video-conferencing) should be used to protect the parties from direct confrontation. Pertinent records, exhibits, and written statements (including student impact statements) may also be accepted as information for consideration by An Appeal Panel. *However, the hearing is an opportunity for the Appeal Panel to obtain information as needed to decide the appeal, and will not be a full re-hearing of the case. It will be in the Chairperson's discretion as to whether to hear from witnesses or receive additional documentary evidence.*

There shall be a single verbatim record, such as a tape recording, of Appeal Hearings (not including deliberations). Deliberations shall not be recorded. The record will be the property of the College.

After the portion of the Appeal Hearing concludes in which all pertinent information has been received, the Appeal Panel shall deliberate and determine (by majority vote) its Appeal Decision. The Appeal Panel shall prepare a written Appeal Decision, substantially in the form of a Notice of Decision, and provide to the parties, the Investigator(s), and the Title IX Coordinator\*\* within seven (7) business days of the hearing. The decision of the Appeal Panel shall be final.

### **Procedures – Written Appeal**

A written decision of the Appeal Authority in the form of a Notice of Decision shall be provided to the respondent, complainant, and Title IX Coordinator\*\*. The written appeals decision shall be completed within twenty (20) days of the date of appeal, or longer for good cause.

If a final decision from the Investigator or appeal process imposes disciplinary action which constitutes termination of college personnel entitled to the hearing/judicial review procedures of Iowa Code chapter 279, such procedures shall be followed as required by law.

### **Interplay with Criminal Proceedings**

College disciplinary proceedings under this Policy may be instituted against an individual charged with Sexual Misconduct that potentially violates both the criminal law and this Policy (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings at the discretion of the Title IX Coordinator\*\*. Determinations made or sanctions imposed under this Policy will not be subject to change because criminal charges arising out of the same facts giving rise to violation of college rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

College conduct proceedings under this Policy are separate from criminal or civil litigation. Formal rules of process, procedure, and/or technical rules of evidence, such as those applied in criminal or civil court, are not used under this Policy.

### **Title IX Coordinator\*\***

The Title IX Coordinator is charged with coordinating the College's response to reports of Sexual Misconduct under this policy. The Title IX Coordinator does not serve as an advocate for either the complainant or the respondent. The Title IX Coordinator will explain to both parties the informal and formal processes outlined above and the provisions of confidentiality. Where appropriate, the Title IX Coordinator will provide to both parties' information on options for obtaining advocacy, medical and counseling services, and making criminal reports, and will assist with providing information on other resources. The Title IX Coordinator will coordinate with other campus officials to take appropriate interim actions such as no contact orders and academic accommodations.

[Appendix: In addition to the College definitions for Sexual Misconduct offenses, the College also publishes an Appendix to the Sexual Misconduct Policy which provides the "Clery Definitions" for Domestic Violence, Dating Violence, Sexual Assault/Offenses, and Stalking, and explains these are the definitions the College uses for purposes of reporting these crimes in the College's Annual Crime Report in compliance with a federal law, known as Jeanne Clery Act. The Appendix also explains that only aggregate, statistical reporting under the Clery Act is reported and that no personally identifiable information is contained in the Annual Security Report.]

### **Written Notifications**

On an annual basis, through electronic communication, the College provides written notification to College students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims of domestic violence, dating violence, sexual assault, and stalking, both within the institution and in the community.

The College will also provide a copy of its Sexual Misconduct Policy (inserted in full above) to victims of domestic violence, dating violence, sexual assault, and stalking as a written notification about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures.

The College will also provide this Policy to a student or employee who reports to the College that the student or employee has been a victim of dating violence, domestic violence, sexual assault/abuse, or stalking, (whether the offense occurred on or off campus), as a written explanation of the student or employee's rights and options.

## **Victims' Rights and College's Responsibilities for Orders of Protection, Including Information about Jurisdictional Orders of Protection**

Hawkeye Community College complies with Iowa law in recognizing orders of protection by: any person who obtains an order of protection from Iowa or any state. The complainant should provide a copy to Public Safety and the Office of the Title IX Coordinator. A complainant may then meet with Public Safety to develop a Safety Action Plan, which is a plan for Public Safety and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, providing a temporary cellphone, changing classroom location or allowing a student to complete assignments from home, etc.) The College cannot apply for a legal order of protection, no contact order or restraining order for a victim from the applicable jurisdiction(s).

## **College Programming**

The College engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking which are (A) culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and (B) consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels. Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and employees.

The following are the College's statements of policy regarding its programs to prevent dating violence, domestic violence, sexual assault, and stalking:

### **Information on How to Be an Active Bystander**

Bystanders play a critical role in the prevention of sexual and relationship violence. They are "individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it."<sup>2</sup> We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list<sup>3</sup> of some ways to be an active bystander.

- If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.
- Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
- Confront people who seclude, hit on, and try to make out with, or have sex with people who are incapacitated.
- Speak up when someone discusses plans to take sexual advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

### **Information on Risk Reduction**

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one's risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, [www.rainn.org](http://www.rainn.org)):

Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.

Try to avoid isolated areas. It is more difficult to get help if no one is around.

Walk with purpose. Even if you don't know where you are going, act like you do.

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<sup>2</sup> Burn, S.M. (2009). A situational model of sexual assault prevention through bystander intervention. *Sex Roles*, 60, 779-792.

<sup>3</sup> Bystander intervention strategies adapted from Stanford College's Office of Sexual Assault & Relationship Abuse

Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.

Try not to load yourself down with packages or bags as this can make you appear more vulnerable.

Make sure your cell phone is with you and charged and that you have cab money.

Don't allow yourself to be isolated with someone you don't trust or someone you don't know.

Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.

When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.

Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).

Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.

Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.

Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.

If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).

If you need to get out of an uncomfortable or scary situation here are some things that you can try:

Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.

Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.

Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.

Lie. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.

Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?

If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

## **Primary Prevention and Awareness Programs**

For all incoming students and new employees, the College provides an orientation which explains to all such students and new employees that

Educational programming consists of primary prevention and awareness programs for all incoming students<sup>5</sup> and new employees and ongoing awareness and prevention campaigns for students and that:

(1) the College prohibits “dating violence,” “domestic violence,” “sexual assault,” and “stalking,” as those offenses are defined under the federal Jeanne Clery Act for the reporting of offenses;

(2) the definitions of dating violence,” “domestic violence,” “sexual assault,” and “stalking,” according to jurisdictional Iowa Code definitions of these terms;

(3) what behavior and actions constitute consent, in reference to sexual activity, in the State of Iowa and the College’s definition of consent and the purposes for which that definition is used;

(4) A description of safe and positive options for bystander intervention, and encouragement to be active bystanders. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;

(5) detailed information on risk reduction; Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

(6) detailed information of the College’s Sexual Misconduct Policy and the policies, procedures, and disciplinary proceedings of the College in cases of dating violence, domestic violence, sexual assault, and stalking, which includes (as described above): (i) procedures victims should follow if a crime of domestic violence, dating violence, sexual assault and stalking occurs; (ii) how the institution will protect the confidentiality of victims and other necessary parties; (iii) existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community; (iv) options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures; and (v) procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking.

These programs include distribution of educational materials to new students; participating in and presenting information and materials during new student and employee orientations, and offering classes.

Specifically, the College offered the following primary prevention and awareness programs for all incoming students in 2019:

Name of Program	Date Held – 2018	Location Held	Which Prohibited Behavior* Covered?
MORE Session (Orientation)	January 3 @ 1300 January 8 @ 1300 January 9 @ 1600 January 11 @ 0900 January 11 @ 1300 April 2 @ 1300 April 10 @ 1300 April 11 @ 1300 April 17 @ 1300 May 1 @ 1300 May 2 @ 1300 May 9 @ 1600 May 21 @ 1300 June 12 @ 1300 June 19 @ 1300 June 20 @ 1300 July 11 @ 1300 July 17 @ 1300 July 18 @ 1300 August 8 @ 1300 August 14 @ 1300 August 20 @ 1600 August 22 @ 1300 August 23 @ 0900 August 23 @ 1300 November 13 @ 1300 November 14 @ 1300 November 20 @ 1300 November 21 @ 1300 December 5 @ 1300 December 11 @ 1300 December 19 @ 1300	Main Campus	DoV, DaV, SA, S

\*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

The College offered the following primary prevention and awareness programs for all new employees in 2019:

Name of Program	Date Held	Location Held	Which Prohibited Behavior* Covered?
Personnel Handbook	Hire Date	MyHawkeye	DoV, DaV, SA, S

\*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

## Ongoing Prevention and Awareness Campaigns

On an ongoing basis, the College provides trainings and programming for the College's students and employees on the subjects listed above in the particulars noted in the chart below.

The College offered the following on-going awareness and prevention programs for students in 2019:

Name of Program	Date Held	Location Held	Which Prohibited Behavior* Covered?
Drug and Alcohol brochures	All year	All campus locations	Brochures relating to drug and alcohol abuse
Student Handbook	All year	Hawkeye Website	DoV, DaV, SA, S
Welcome Table	January 14, 2019	Main Campus	DoV, DaV, SA
Allen Hospital Women's Health	March 13, 2019	Main Campus	DoV, DaV, SA
STD Awareness	March 2019 (All Month)	Main Campus	DaV, SA
Pathways Behavioral Services	April 2, 2019	Main Campus	DoV, DaV, SA
Sexual Assault Awareness Stop and Serve	March 4 – 8, 2019	Main Campus	SA
Alcohol Awareness Presentation	April 10, 2019	Main Campus	Drug and Alcohol abuse awareness
Welcome Packets	August 1, 2019	Hawkeye Towers	DoV, DaV, SA, Suicide Prevention, Health
Don't Let Them Walk Alone	September 10, 2019	Main Campus	Suicide Prevention
Don't Let Them Walk Alone	September 11, 2019	Main Campus	Suicide Prevention
Don't Let Them Walk Alone	September 11, 2019	Main Campus	Suicide Prevention
Self-Defense	October 9, 2019	Main Campus	DoV, DaV, SA, S
Clothesline Project	October 7 – 11, 2019	Main Campus	DoV, DaV, SA, Suicide Prevention, Rape, Bullying
Health Fair	October 30, 2019	Main Campus	Drug and Alcohol abuse awareness
Operate Smoke Free	November 13, 2019	Main Campus	Tobacco Awareness

\*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

The College offered the following ongoing awareness and prevention programs for employees in 2019:

Name of Program	Date Held	Location Held	Which Prohibited Behavior* Covered?
Personnel Handbook	Hire Date and annually thereafter	MyHawkeye	DoV, DaV, SA, S

\*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

### **Accommodations and Protective Measures Available for Victims**

Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, Hawkeye Community College will provide written notification to students and employees about accommodations available to them, including academic, living, transportation, protective orders and working situations. The written notification will include information regarding the accommodation options, available assistance in requesting accommodations, and how to request accommodations and protective measures (i.e., the notification will include the name

and contact information for the individual or office that should be contacted to request the accommodations).

At the victim's request, and to the extent of the victim's cooperation and consent, college offices will work cooperatively to assist the victim in obtaining accommodations. If reasonably available, a victim may be offered changes to academic, living, working, protective measures or transportation situations regardless of whether the victim chooses to report the crime to Public Safety or local law enforcement. Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is no option for moving to a different section, etc. Potential changes to living situations may include moving to a different room or residence hall. Possible changes to work situations may include changing working hours. Possible changes in transportation may include having the student or employee park in a different location, assisting the student or employee with a safety escort, etc.

To request changes to academic, living, transportation and/or working situations or protective measures, a victim should call, write, or visit their Title IX Coordinator.

Students should contact Nancy Henderson, Hawkeye Center Room 208C, (319)-296-4448 or email at [equitytitleIX@hawkeyecollege.edu](mailto:equitytitleIX@hawkeyecollege.edu)

Employees should contact Susan Hauber, Hawkeye Center Room 101D, (319)-296-4405 or email at [equitytitleIX@hawkeyecollege.edu](mailto:equitytitleIX@hawkeyecollege.edu)

If the victim wishes to receive assistance in requesting these accommodations, she or he should call, write or visit the Public Safety Office, Hawkeye Center Room 216, (319)-296-4234 or email at [hccpublicsafety@hawkeyecollege.edu](mailto:hccpublicsafety@hawkeyecollege.edu)

## On and Off Campus Services for Victims

Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, Hawkeye Community College will provide written notification to students and employees about existing assistance with and/or information about obtaining resources and services including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and assistance in notifying appropriate local law enforcement.

The College provides a mental health counselor and a nurse at the [Student Health Clinic](#) who can keep a sexual assault discussion confidential to the extent allowed by law. Resources include the following:

ON CAMPUS	Type of Services Available	Service Provider	Contact Information
Counseling	Academic advising	Advisors in the Student Services office – 2 <sup>nd</sup> floor of the Hawkeye Center	(319) 296-4014
Health	General health services	Student Health Clinic – HESC Building	(319) 296-4224
Mental Health	Short-term assistance and referral	Student Health Clinic – HESC Building	(319) 296-4225
Victim Advocacy	N/A		
Legal Assistance	N/A		

Visa and Immigration Assistance	Services for international students	International Student Services Coordinator in the Student Services Office – 2 <sup>nd</sup> floor of the Hawkeye Center	(319) 296-4014
Student Financial Aid	State and federal grants; loans; scholarships	Financial Aid Office – 1 <sup>st</sup> floor of the Hawkeye Center	(319) 296-4020
Other	Emergency financial assistance: on campus resources and referrals	Student Success Specialists located throughout the main campus – contact Student Services Office – 2 <sup>nd</sup> floor of the Hawkeye Center	(319) 296-4014

OFF CAMPUS	Type of Services Available	Service Provider	Contact Information
Health/Mental Health	Medical services	Covenant Hospital 3421 W. 9 <sup>th</sup> Waterloo IA 50702	(319) 272-8000
Health/Mental Health	Medical services	Allen Hospital 1825 Logan Avenue Waterloo IA 50703	(319) 235-3941
Health/Mental Health	Medical services	Sartori Hospital 515 College St. Cedar Falls IA 50613	(319) 268-3000
Health/Mental Health	Medical services	Buchanan County Health Center 1600 1 <sup>st</sup> St. E Independence IA 50644	(319) 332-0999
Health/Mental Health	Medical services	Grundy County Memorial Hospital 201 E. J Ave. Grundy Center IA 50638	(319) 824-5421
Counseling/Mental Health/Victim Advocacy	Advocacy/Therapy/Outreach Services	Riverview Center	24-hour Sexual Assault Hotline: (888)-557-0310
Counseling/Victim Advocacy	Advocacy/Outreach Services/Shelter	Cedar Valley Friends of the Family	Crisis Line (24/7): (800)-410-7233 or (319) 352-0037
Counseling/Victim Advocacy	Advocacy/Outreach Services/Shelter	Waypoint Services	(800)-208-0388 or (319) 365-1458
Legal Assistance	Legal assistance for low-income Iowans	Iowa Legal Aid	(800)-532-1275
Visa and Immigration Assistance	Legal assistance for low-income Iowans	Iowa Legal Aid	(800)-532-1275
Student Financial Aid			
Other			

Other resources available to persons who report being the victim of sexual assault, domestic violence, dating violence, or stalking, include:

Iowa Sexual Abuse Hotline  
24/7 Crisis Line: (800)-284-7821

Iowa Domestic Violence Helpline 24/7  
Crisis Line: (800)-770-1650

National Suicide Prevention Lifeline 24/7 Crisis Line: (800)-273-8255

Rape, Abuse and Incest National Network <https://www.rainn.org/>

Department of Justice <https://www.justice.gov/ovw/sexual-assault>

Department of Education, Office of Civil Rights  
<http://www2.ed.gov/about/offices/list/ocr/index.html>

### **Confidentiality**

Victims may request that directory information on file with the College be withheld by request of Director of Student Records and Registration.

Regardless of whether a victim has opted-out of allowing the College to share “directory information,” personally identifiable information about the victim and other necessary parties will be treated as confidential and only shared with persons who have a specific need-to-know, i.e., those who are investigating/adjudicating the report or those involved in providing support services to the victim, including accommodations and protective measures. By only sharing personally identifiable information with individuals on a need-to-know basis, the institution will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

The College does not publish the name of crime victims or other identifiable information regarding victims in the Daily Crime Log or in the annual crime statistics that are disclosed in compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*. Furthermore, if a Timely Warning Notice is issued on the basis of a report of domestic violence, dating violence, sexual assault or stalking, the name of the victim and other personally identifiable information about the victim will be withheld.

### **Notification to Victims of Crimes of Violence**

The College 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 such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as the result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

### **Missing Student Notification**

In accordance with the Higher Education Opportunity Act, HCC must develop and implement certain procedures to be followed when residential students are determined to be missing for 24 hours. Students residing in campus housing will be informed annually that each student has the option to identify a person designated as a confidential missing person contact to be notified by HCC no later than 24 hours after the time the student is determined to be missing by the designated College officials authorized to make that determination (specifically, the Public Safety) or the local law enforcement agency in which the student went missing. When students are informed of their option to provide a confidential contact, they are advised that their contact information will be registered confidentially, and that this information will be accessible only to authorized campus officials and law enforcement and that it may not be disclosed outside of a missing person investigation.

HCC will notify any missing student's confidential contact(s), if provided, within 24 hours of the determination that the student is missing. In the event a student under 18 years of age and not emancipated, HCC must notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student. For all missing students, HCC will notify the local law enforcement agency within 24 hours of the determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing.

Suspected missing students should be reported immediately to the Public Safety. If members of the HCC community believe that a student has been missing for 24 hours, it is critical that they report that information to Public Safety by calling (319) 296-4234. A student is determined to be missing when the Public Safety have verified that reported information is credible and circumstances warrant declaring the person missing. Should the Public Safety investigate and determine that a residential student is missing, contact will then be made to the missing person contact, if contact information has been provided, within twenty-four (24) hours of the determination that the student is missing by the Public Safety. If the student is under the age of 18 and is not an emancipated individual, Public Safety will notify the student's parent or guardian and any other designated contact person within 24 hours. Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, HCC will inform the Local law enforcement (or the local law enforcement with jurisdiction) that the student is missing within 24 hours.

The confidential contact may be a person designated by the student in addition to the declared emergency contact. Should the student not formally declare a separate missing person contact, the emergency contact on record will be notified.

## Annual Fire Safety Report

In addition to publishing an Annual Security Report, Hawkeye Community College is required to publish an Annual Fire Safety Report that contains information about fire safety policies and procedures in student residential facilities as well as statistics for any fires occurring in those facilities.

## Fire Safety Systems Main Campus - 2019

Residential Facilities	Fire Alarm Monitoring Done On Site	Partial <sup>4</sup> Sprinkler System	Full <sup>5</sup> Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans/Placards	Number of Evacuation (fire) drills each calendar year
<b>The Farm House 5503 Hammond Ave. Waterloo IA 50701</b>	Yes	No	No	Yes	Yes	Yes	At least 2

## Policies or Rules on Portable Electrical Appliances, Smoking and Open Flames

The following are prohibited items (e.g., sources of open flames, such as candles; non-surge protected extension cords; halogen lamps; portable cooking appliances in non-kitchen areas;

<sup>4</sup> Partial Sprinkler System is defined as having sprinklers in the common areas only.

<sup>5</sup> Full Sprinkler system is defined as having sprinklers in both the common areas and individual rooms.

etc.) or prohibited activities (e.g., smoking in the room; tampering with life safety equipment; possession of pets; etc.).

## **Policy Statement**

The Facilities/Public Safety Offices are responsible for fire evacuation plans and notices. The Facilities/Public Safety Offices are responsible for the inspection of fire safety equipment including portable fire extinguishers and smoke detectors.

Students, faculty, and staff must evacuate a building when the fire alarm sounds using the nearest exit or the exit farthest from the fire or smoke and not re-enter a building until authorized by Public Safety staff.

Students, faculty, and staff are responsible for orienting themselves to the facilities they use, for making themselves aware of the posted evacuation plans for those buildings, for conducting activities in the safest possible manner and for adhering to the fire safety policies.

### **Open Flames**

The use of an open flame is prohibited unless approved by the Facilities/Public Safety Offices or designee. Open flame equipment for instructional and maintenance purposes shall meet all safety requirements and reasonable precautions shall be taken in their operation to prevent personal injury and/or property damage.

### **Electrical Appliances**

All appliances must be UL approved.

Building light bulbs shall not be replaced with higher wattage bulbs than those for which the fixture was designed.

Room switches and outlets shall not be modified.

Electrical heaters in buildings must be connected directly to wall outlets and are to be disconnected at night or when the area is expected to be vacant for longer than an hour. The use of extension cords is prohibited. Electrical heaters may not be used in the Farm House unless authorized by the Facilities Office.

### **Holiday Decorations**

Natural trees and resinous greenery are prohibited for use as holiday decorations in all campus buildings, unless authorized by the Facilities Office.

Artificial trees or other decorations must be flame proof.

All lighting used on artificial trees must be UL approved sets and be checked annually for frayed wires, loose connections and broken sockets.

Lighting on artificial trees and other decorations must be disconnected at night or when the area is expected to be vacant for longer than an hour. Ceremonial Fires

Groups desiring to use ceremonial fires must obtain approval from the Facilities/Public Safety Office.

## **Personal Safety**

Students, faculty and staff should make themselves aware of the location of fire alarms, fire extinguishers, and various exit routes from the offices, classrooms, laboratories and the on-campus residence they frequent.

Students, faculty and staff should know how to use fire extinguishers. The Public Safety/Human Resource Services Offices will schedule instruction when requested.

### **Exceptions to Policies**

Requests for exceptions shall be directed to the Facilities/Public Safety Offices. Requests shall identify the particulars of the exception and the area where exception is requested.

Facilities/Public Safety Offices or designee may require an inspection of devices, etc. and the area prior to ruling on the request.

## **Procedures for Evacuation in Case of a Fire**

In the event of a fire, the College expects that all campus community members will evacuate by the nearest exit, closing doors and activating the fire alarm system (if one is present) as they leave. Once safely outside a building, it is appropriate to contact 911 and the Public Safety. Students and/or staff are informed where to relocate to by staff if circumstance warrants at the time of the alarm. In the event fire alarms sound, College policy is that all occupants must evacuate from the building, closing doors as they leave. No training is provided to students or employees in firefighting or suppression activity as this is inherently dangerous and each community member's only duty is to exit safely and quickly, shutting doors along the exit path as they go to contain the spread of flames and smoke, and to activate the alarm as they exit. At no time should the closing of doors or the activation of the alarm delay the exit from the building.

## **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 semester. 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 College's fire safety policies. Everyone is also provided with maps of each on-campus student housing facility that illustrate evacuation routes and fire alarm equipment locations. During these programs, trainers emphasize that participating in fire drills is mandatory. Students with disabilities are given the option to have a "buddy" assigned to them. Fire safety education and training programs are taught by local fire authorities

Faculty and staff are provided education on fire safety and information on how to report a fire, or evidence of a fire, to whom, and procedures to be followed for non-residential buildings on campus when a fire alarm is activated.

Each Hawkeye Community College building has fire evacuation plans posted in common areas. All employees are encouraged to become familiar with the escape routes for all buildings and floors and the locations of fire extinguishers, hoses and alarms. In the event of a fire or evacuation, every employee should follow the fire safety evacuation route and vacate the premises until the officials in charge declare the premises safe to enter. Exits and areas around fire extinguishers must be kept clear at all times. Periodic fire safety inspections and drills are held to test equipment and procedures.

## Procedures Students and Employees Should Follow in Case of a Fire

In these programs, procedures that students and employees should follow in case of a fire are reviewed and include the following:

### **Student Housing Evacuation Procedures: in Case of a Fire**

Activate the fire alarm system.

Call 911 and identify where help is needed and call Public Safety at (319) 296-4234.

If you hear the fire alarm immediately evacuate the building using the nearest available exit. **Do not attempt to fight a fire unless you have been trained to do so.**

Awaken any sleeping roommate or suitemates. Prepare to evacuate by putting on shoes and coat if necessary. Feel the doorknob and the door. If they are hot, do not open the door. If they are cool, open slowly, if heat or heavy smoke rushes in, close the door immediately and remain inside.

Close all windows and doors, if possible, prior to leaving the room. Students in the Farm House should turn off lights, close windows, and close and lock the door.

Do not use any elevator during building evacuation. Individuals with disabilities not on ground level during a fire evacuation should go to the nearest stairwell making sure any fire doors are closed behind them. Hawkeye Public Safety or city public safety personnel will check stairwells as soon as arriving to assist persons with disabilities.

Resident life staff members who are present on their floors should facilitate the evacuation of their floor/section if possible. When the alarm sounds shout (Example: there is an emergency in the building leave by the nearest exit) and knock on doors as they make their way to the nearest exit and out the building.

When exiting in smoky conditions keep your hand on the wall and crawl to the nearest exit. Always know more than one path out of your location and the number of doors between your room and the exit.

Each resident should report to their assigned assembly area. Resident life staff should report to their assigned assembly area and make sure that students have cleared the building. Conduct a head count and do not allow re-entry into the building until directed to do so by emergency personnel.

### **Reporting a Fire for Inclusion in the Fire Statistics**

Per federal law, Hawkeye Community College is required to annually disclose statistical data on all fires that occur in on-campus student housing facilities. Therefore, if you encounter a live fire in one of these facilities, you should immediately get to a safe place, then dial 911. Once the emergency has passed, you should notify Public Safety at (319) 296-4234 to investigate and document the incident for disclosure in the College's annual fire statistics.

If a member of the HCC community finds evidence of a fire that has been extinguished, and the person is not sure whether Public Safety has already responded, the community member should immediately notify Public Safety at (319) 296-4234 to investigate and document the incident for disclosure in the College's annual fire statistics.

### **Plans for Improvement to Fire Safety**

The College does not have any planned improvements in fire safety at this time.

### **Daily Fire Log**

Public Safety maintains a Daily Fire Log which is available to the public for review, at the Public Safety Office in Hawkeye Center Room 216, from 8 a.m. – 5 p.m. Monday through Friday, excluding holidays. The Daily Fire Log is also available online at

<https://www.hawkeyecollege.edu/webres/File/about/crime-log.pdf>

The information in the fire log includes information about fires that occur in residential facilities, including the nature, date, time, and general location.