

BUENA VISTA UNIVERSITY

**2016**

**Annual Campus Security  
and Fire Safety Report**

BUENA VISTA  
UNIVERSITY

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## **Introduction**

Safety and Security are top priorities of the entire campus community. While Buena Vista University and Storm Lake are relatively safe environments, the campus is not exempt from the types of crime that exist in other Northwest Iowa Communities. Effective safety and security needs the cooperation and assistance from everyone at the University.

The Student Right to know and Campus Security Act of 1990 renamed the Jeanne Clery Disclosure of Campus Security and Crime Statistic Act, was enacted by Congress and signed into law in November of 1990. In 1992, 2008, and most recently in 2015, Congress significantly amended the law, expanding the reporting criteria.

The following statistics are provided to you as part of Buena Vista University's commitment to safety and security on campus. These statistics are compiled annually and include all reports of the following offenses received by Campus Security, local law enforcement as well as from college officials with significant responsibility for student and campus activities. The report also includes institutional policies concerning campus security, such as policies concerning alcohol and drug use, crime prevention, the reporting of crimes, sexual assault, and other matters.

In compliance with the "Act," Buena Vista University's Campus Security has published this report to provide its students, employees, and visitors with an overview of the University's security resources, policies and procedures, as well as crime statistics. The report is updated annually and is provided to all students, employees and applicants for admission and employment, as well as anyone who requests a copy.

## **Law Enforcement Authority**

The Buena Vista University's Campus Security is the office responsible for the safety and security of the campus community. The department includes a director, 5 full-time professional staff, and 4 part-time staff members. In addition, the department has between 10 to 12 student employees. The director reports to the Vice President for Student Affairs/Dean of Students (VPSA/DOS). Campus Security employees are not sworn or commissioned law enforcement officers. With the exception of the director, all on-duty personnel wear a distinctive security uniform. They provide basic security services to the campus community and are on duty 24 hours a day. Campus Security staff attend training programs specifically designed for security personnel. The Campus Security Office works closely with the Storm Lake Police Department and encourages victims to report crimes to local police.

## **Crime and Emergency Reporting Procedures**

The Campus Security Office is located in the Student Affairs suite in the Harold Walter Siebens Forum. They can be contacted by calling 2500 on campus and 712-749-2500 from off campus. Any criminal incidents, emergencies or other suspicious behavior may be reported by calling Campus Security at 2500 or by 911 for local emergency services. The non-emergency number for local emergency services is 712-749-2525.

Students and employees may also report criminal offences to the Vice President for Student Affairs/Dean of Students, Assistant Dean of Students, Residence Hall Directors, Resident Advisors, coaches, faculty and staff advisors to student groups.

## **Confidential Reporting Procedures**

If a person is the victim of a crime and does not want to pursue action within the University judicial system or the criminal justice system, you may still want to consider making a confidential report. You may submit a report anonymously by going to the Campus Security website and using the form provided. Reports filed in this manner are counted and information on patterns of crime is used to alert the campus community of potential danger.

## **Timely Warnings**

Buena Vista University is committed to providing a safe and secure environment for everyone. In the event of a serious crime or incident that occurs on campus and poses a threat to students, staff, faculty or visitors, the

Campus Security Department will provide a timely notice via electronic newsletter called BVU News, computer base pop-up screen called BVU Alert, posting flyers throughout campus, as well as posting on the Campus Security website, and if circumstances warrant, published in the school newspaper, *"The Tack,"* and/or announced over campus TV and radio.

## Responsibility of the BVU Community

Your safety on campus is vitally important. The key to a safe and secure environment is cooperation. Members of the campus community are expected to assume a certain amount of responsibility for their personal safety and the security of their property. The following safety and security tips are provided as a guideline.

- Never take personal safety for granted
- Try to avoid walking alone at night
- Stay in well-lit areas
- Walk close to the curb, away from bushes or alleys
- Request a campus security escort
- Lock your room door, even for a few minutes
- Do not leave valuables unattended or visible
- Do not lend your keys or ID's to anyone
- Inform your roommate or friends if you plan on remaining away from your room overnight
- Place identifying number or information mark on articles of value

## Crime Awareness and Prevention

Buena Vista University believes that it is better to act early to prevent crime rather than react to it after it has been committed. Ultimately, we are all responsible for our own safety/security and the safety/security of those around us. Members of the campus community are encouraged to participate and be aware of crime prevention programs that are available to them. Following is a list of programs that are offered to the community:

- **Security Escort Service:** Escort services are available upon request 24 hours a day
- **Crime Prevention Material:** Printed crime prevention information is available from Campus Security and Residence Life
- **Crime Prevention Presentations:** Members of the Campus Security Department are available to talk to any student or employee group. These talks are designed to educate members of the community about security issues and various techniques that can be used to prevent crime on campus
- **Sexual Assault/Misconduct Education and Prevention:** In cooperation with Campus Counseling, Residence Life, and Health Services, sexual assault awareness, education, and prevention presentations are available and made to the campus community each year
- **Facility Surveys:** Facility and grounds surveys are conducted by Facilities Management and Campus Security to identify and evaluate areas of safety.
- **Motorist Assist Program:** The Motorist Assist Program is a 24 hour services and provides jump-start, and lock out services to the campus community
- **Found Property Program:** Campus Security is designated as the official campus location for receiving and storing found property. Individuals wishing to inquire about an item they have lost should contact the Campus Security Office.

In addition, numerous efforts are made to advise members of the campus community on a timely basis of all campus crime and crime related problems, to include the following:

- **Annual Security Report:** A comprehensive annual report of crime related information is compiled, published and widely distributed to the community.
- **Daily Incident Log:** The Campus Security Office maintains and records a daily log of all crimes and incidents reported to campus authorities. The log includes crime information and is available upon request at the Campus Security Department.

- **Crime Alert Bulletin:** In the event of a crime or incident that poses a threat to students, employees, or others, a “Crime Alert Bulletin” is prepared and distributed via computer based pop-up called BVU Alert, campus email, posting flyers on campus and if necessary via BVU television and radio.

## Missing Person Policy

For purposes of this policy, a student will be considered missing, if a roommate, classmate, faculty member, family member or other campus person has not seen the person for a reasonable amount of time. A reasonable amount of time may vary with the time of day and information available regarding the missing person's daily schedule, habits, punctuality, and reliability. Individuals will also be considered missing immediately, if their absence has occurred under circumstances that are suspicious or cause concerns for their safety. If the initial report that a person is missing is made to a department other than the Department of Campus Security, the employee receiving the report will ensure that the Department of Campus Security is contacted immediately.

**Procedure:** Procedures for designation of emergency contact information

- Students age 18 and above and emancipated minors:** Students will be given the opportunity during each semester registration process to designate a confidential contact person to be notified in the case that the student is determined to be missing and that only authorized campus officials in furtherance of a missing person investigation may have access to this information. If a student does not provide the confidential contact information, emergency contact information submitted by a student upon registering shall be used an individual or individuals to be contacted by the college “in case of emergency.” An emergency contact designee will remain in effect until changed or revoked by the student.
- Students under the age of 18:** In the event a student who is not emancipated is determined to be missing pursuant to the procedures set forth below, the college is required to notify a custodial parent or guardian no more than 24 hours after the student is determined to be missing in accordance with the procedures set forth below.

### I. Official notification procedures for missing persons

- Any individual on campus who has information that a residential student may be a missing person must notify the Department of Campus Security or any Buena Vista University Official as soon as possible.
- The Department of Campus Security will gather information about the residential student from the reporting person and from the student's acquaintances (description, clothes last worn, where student might be, who student might be with, vehicle description, information about the physical and mental wellbeing of the student, an up-to-date photograph, class schedule, etc.). Appropriate campus staff will be notified to aid in the search for the student.
- If the above actions are unsuccessful in locating the student within 4 hours of the report or it is apparent immediately that the student is a missing person (e.g., witnessed abduction), the Department of Campus Security will contact the Storm Lake Police Department to report the student as a missing person and the local law enforcement agency will take over the investigation.
- No later than 24 hours after determining that a residential student is missing, the Vice-President for Student Affairs/ Dean of Students or his designee will notify the emergency contact (\*for students 18 and over) or the parent/guardian (for students under the age of 18) that the student is believed to be missing.

*\*Contact is contingent upon the correct emergency contact information being made available by the student.*

### II. Campus communications about missing students

In all cases of a missing student, the law enforcement agency conducting the investigation will provide information to the media that is designed to obtain public assistance in the search for any missing student. The University’s Marketing and Communication Office is available to provide consultation on communication with the investigating law enforcement agency. Any media requests to the University will

be directed to the University Marketing and Communications Office. Prior to providing the Buena Vista University community with any information about a missing student, the University Marketing and Communications Office shall consult with the Department of Campus Security and with law enforcement authorities to ensure that communications do not hinder the investigation.

# **Buena Vista University Policy Against Discrimination, Harassment, and Gender-Based Misconduct and Sexual Misconduct**

## **I. Policy Statement**

Buena Vista University prohibits discrimination on the basis of race, color, religion or religious belief, citizenship status, sex, marital status, disability, pregnancy, sexual orientation, gender identity or expression, national origin, military service or affiliation, genetic information, age, and any other characteristics protected by law. In accordance with this, Buena Vista University is committed to providing a working and learning environment where all members feel valued and are fully empowered to claim a place in, and responsibility for, our shared working, living, and learning community. Members of the Buena Vista University community, guests, and visitors have a right to be free from discrimination and harassment and to be treated with respect. For this reason, Buena Vista University does not discriminate on the basis of an individual's actual or perceived race, color, religion or religious belief, citizenship status, sex, marital status, disability, pregnancy, sexual orientation, gender identity or expression, national origin, military service or affiliation, genetic information, or age in the administration of its educational policies, admissions policies, scholarships and loan programs, athletic program, and other University programs and activities, and does not tolerate such discrimination or harassment of its faculty, administration, staff, students, guests, or visitors.

Members of the Buena Vista University community, guests, and visitors have the right to be free from sexual violence. Buena Vista University believes in a zero-tolerance policy for gender-based sexual misconduct, and the University is committed to fostering a community that promotes the prompt reporting of sexual misconduct and timely and fair resolution of sexual misconduct complaints. Other acts can also be forms of gender-based misconduct and are also prohibited whether sexually based or not and include domestic violence, dating violence, sexual assault, and stalking. As a result, Buena Vista University issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct, educational programs, and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus and when it is reported to a University official. In this context, Buena Vista University prohibits the offenses of domestic violence, dating violence, sexual assault and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the university community.

The University has established a Coordinated Community Response Team. The team consists of members from Student Affairs, Human Resources, Campus Security, Student Conduct, the Title IX Coordinator, the campus Clery Compliance Officer, campus Residence Life Director, campus Chaplain, campus Health Services Director, select faculty and staff, and students. The team meets each semester and is responsible for developing, reviewing, and revising protocols, policies, and procedures for this policy.

As a university, BVU believes that in order for individuals to engage in sexual activity of any type with each other, there must be clear, knowing, and voluntary consent prior to and during sexual activity. This policy has been developed to reaffirm these principles and to provide recourse for those individuals

whose rights have been violated. This policy is intended to define community expectations and to establish a mechanism for determining when those expectations have been violated.

Sexual misconduct offenses include, but are not limited to, sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse, sexual exploitation, and sexual assault. Use of alcohol or other drugs does not function as a defense or exception to a violation of this policy. The University will consider the concerns and rights of both the complainant and the person accused (the respondent) of sexual misconduct.

Buena Vista University is an equal opportunity employer; it is committed to ensure fair and equal treatment to all employees or applicants for employment, regardless of their race, color, religion, creed, sex, disability, age or national origin. The personnel policies of the University are designed to comply with Executive Order 11375. In addition, the University is governed by Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972, Title IX of the Higher Education Act of 1972, Title VII and Title VIII of the Public Health Service Act, and Iowa Code Chapter 216.

## **II. Scope of Policy**

This policy prohibits discrimination against or harassment of all members of the University community and its guests. Its scope is inclusive of, but is not limited to, any individuals regularly or temporarily employed, studying, living, visiting, or with an official capacity at Buena Vista University (such as volunteers and contractors).

The filing of a complaint under this policy is independent of any external investigation or court proceeding, and the University will not necessarily wait for the conclusion of any external investigation or proceeding to commence its own investigation and to take immediate steps to ensure the safety and well being of members of the University community. An allegation of discrimination or harassment is not proof of prohibited conduct, and a claim will not be taken into account during performance review, promotion, reappointment, or other evaluation unless a final determination has been made that the policy has been violated or an agreement has been reached as part of an informal resolution process. If necessary and appropriate, decisions regarding extension, reappointment, or promotion may be deferred, in consultation with the appropriate supervisor, senior officer, or review committee, until the matter is resolved.

Jurisdiction: This policy applies to any allegation against a BVU community member (staff, faculty or student) construed as discrimination, harassment, gender-based misconduct and/or sexual assault regardless of geographical location of the alleged incident.

## **III. Relationship to Academic Freedom and Responsibility**

As articulated in the Buena Vista University Statement on Academic Freedom and Responsibility, Buena Vista University is dedicated to freedom of inquiry in the pursuit of truth, is vigilant in defending the right of individuals to free speech, and is dedicated to the cultivation of an atmosphere in which all of its members may study, live, and work free from intolerance, discrimination, and harassment. This policy will not be construed as undermining the principle of academic freedom, which may include the introduction of controversial and challenging matters and demanding methods of inquiry within the teaching environment. However, discrimination, harassment, gender-based misconduct, and/or sexual assault are not legally protected, nor are they excused by reference to academic freedom of expression. Discrimination, harassment, gender-based misconduct and/or sexual misconduct undermine the educational mission of the institution, its integrity, and the intellectual, working, and living environment for members of its community.

## IV. Definitions

There are numerous terms used by Buena Vista University in our policy and procedures.

1. **Discrimination:** is any distinction, preference, advantage for, or detriment to an individual compared to others that is based on an individual's actual or perceived race, color, religion or religious belief, citizenship status, sex, marital status, disability, pregnancy, sexual orientation, gender identity or expression, national origin, military service or affiliation, genetic information, or age that adversely affects a term or condition of an individual's employment, education, living environment, or participation in a University activity, or is used as the basis for or a factor in decisions affecting that individual's employment, education, living environment, or participation in a University activity.
2. **Discriminatory Harassment:** is unwelcome conduct directed toward an individual based on the individual's actual or perceived race, color, religion or religious belief, citizenship status, sex, marital status, disability, pregnancy, sexual orientation, gender identity or expression, national origin, military service or affiliation, genetic information, or age that is so severe, persistent, or pervasive that it has the purpose or effect of unreasonably interfering with an individual's employment or educational performance or creating an intimidating, hostile, offensive, or abusive environment for that individual's employment, education, living environment, or participation in a University activity.
3. **Sexual Harassment:** is a form of unlawful gender-based discrimination. It may involve harassment of women by men, harassment of men by women, and harassment between persons of the same sex. Sexual harassment is defined as unwelcome gender-based verbal or physical conduct that is sufficiently severe, persistent or pervasive that it unreasonably interferes with, limits, or deprives someone of the ability to participate in or benefit from the University's educational program or activities or employment benefits or opportunities. The unwelcome behavior may be based on power differentials (such as in *quid pro quo* harassment where submission to or rejection of unwelcome sexual conduct by an individual is used as the basis for employment or academic decisions), the creation of a hostile environment, or retaliation. The University's policy on sexual misconduct may also apply when sexual harassment involves physical contact. Examples of sexual harassment may include, but are not limited to,
  - o Unwanted sexual attention or other verbal or physical conduct of a sexual nature
  - o Implied or overt threats of punitive action, a result of rejection of sexual advances
  - o Conditioning a benefit on an individual's acceding to sexual advances
  - o Unwelcome, sexually explicit messages, statements, or materials
  - o Attempting to coerce an unwilling person into a romantic or sexual relationship
  - o Sexual violence
  - o Intimate partner violence
  - o Stalking, including cyberstalking
  - o Gender-based bullying
4. **Non-consensual Sexual Contact:** is any intentional sexual touching, however slight, with any object, by a person upon a person that is without consent and/or by force. Sexual contact includes intentional contact with the breasts, buttocks, groin, or genitals, or touching another with any of these body parts, or forcing another to touch oneself or him/herself with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.
5. **Non-consensual Sexual Intercourse:** is any sexual intercourse, however slight, with any object, by a person upon a person that is without consent and/or by force. Intercourse includes vaginal penetration by a penis, object, tongue, or finger, anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

6. **Sexual Exploitation:** occurs when a person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:
  - Invasion of sexual privacy;
  - Prostituting another person;
  - Non-consensual taking of pictures, video recording, and/or audio recording of a sexual activity;
  - Non-consensual distribution of pictures, video recording, audio recording, or live-streaming of a sexual activity;
  - Allowing third parties to observe sexual activities without consent;
  - Engaging in non-consensual voyeurism;
  - Knowingly transmitting HIV or another Sexually Transmitted Infection to another person;
  - Exposing one's genitals in non-consensual circumstances;
  - Inducing another to expose his/her genitals;
  - Sexually -or gender-based stalking and/or bullying.
7. **Sexual Assault:** The Violence Against Women Act (VAWA) defines sexual assault as: An offense that meets the definition of rape, sodomy, sexual assault with an object, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting program. Under Iowa law, sexual abuse is defined as any sex act committed against another by force, against the victim's will, or when the victim is unable to consent. Iowa law broadly defines "sex act" to include intercourse, oral or anal sex, or any contact between the genitals, hands, or fingers of one person and the genitals or anus of another. Violent sexual conduct may also be prosecuted as an assault (an act intended to cause pain, injury, or offensive physical contact, or place another in fear of pain or injury); for example, using any object to sexually penetrate another.
8. **Domestic Violence:** The Violence Against Women Act (VAWA) defines Domestic Violence as 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;
  - 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.

Under Iowa law, "domestic abuse" means committing assault under any of the following circumstances:

- The assault is between family or household members who resided together at the time of the assault;
- The assault is between separated spouses or persons divorced from each other and not residing together at the time of the assault;
- 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;
- 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;
- The assault is between persons who are in an intimate relationship or have been in an intimate relationship and have had contact within the past year of the assault. In

determining whether persons are or have been in an intimate relationship, the court may consider the following nonexclusive list of factors;

- a) The duration of the relationship;
- b) The frequency of interaction;
- c) Whether the relationship has been terminated;
- d) The nature of the relationship, characterized by either party's expectation of sexual or romantic involvement.

9. **Dating Violence:** The Violence Against Women Act (VAWA) defines “dating violence” as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

- The existence of such a relationship shall be determined by the victim with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship;
- For the purpose of this definition,
  - a) Dating violence includes sexual or physical abuse or the threat of such abuse;
  - b) Dating violence does not include acts covered under the definition of domestic violence.

As of the date of this publication, there is no law defining “dating violence” in Iowa.

10. **Stalking:** The Violence Against Women Act (VAWA) defines “stalking” as:

- Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
  - a) Fear for his or her safety or the safety of others; or
  - b) Suffer substantial emotional distress
- Course of conduct means two or more acts, including but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.
  - a) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medial or professional treatment or counseling.
  - b) Reasonable person means a reasonable person in the victim’s circumstances.

Under Iowa law, a person commits stalking when all of the following occur:

- 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.

11. **Consent:** is clear, knowing, and voluntary. Consent is active, not passive. Effective consent can be given by words or actions, as long as those words or actions create mutually understandable, clear permission regarding willingness to engage in (and the conditions of) sexual activity.

- **NOTE:** In order to give effective consent, one must be of legal age; Iowa defines 17 years as legal age.
- Under Iowa law, the following persons are unable to give consent:
  - a) A victim who is procured by threats of violence;
  - b) A victim who is under the influence of a drug inducing sleep or is otherwise in a state of unconsciousness
  - c) A victim who lacks the mental capacity to know right from wrong concerning sexual matters or is suffering from any type of mental or physical incapacity or disability;

- d) A victim who is incapacitated (see incapacitation at 12 below)
    - o Consent cannot be gained by force, coercion, by ignoring or acting without regard to the objections of another, or by taking advantage of the incapacitation of another, where the respondent knows or should have reasonably known of such incapacitation.
    - o Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
    - o Silence, in and of itself, cannot be interpreted as consent.
    - o Previous relationships or prior consent cannot imply consent to future sexual acts.
- 12. **Incapacitation:** is a state in which someone cannot make rational, reasonable decisions because she/he lack the capacity to give knowing consent (i.e., to understand the “who, what, when, where, why, or how” of his/her sexual interaction).
  - o **NOTE:** Sexual activity with someone who one should know to be—or based on the circumstances should reasonably have known to be—mentally or physically incapacitated (by alcohol or other drug use, unconsciousness, or blackout) is prohibited. The question of incapacitation is determined on a case-by-case basis that will include an analysis of whether the respondent knew, or a sober, reasonable person in the position of the respondent should have known, that the complainant was incapacitated.
  - o This policy also covers a person whose incapacity results from mental disability, sleep, involuntary physical restraint, or the ingestion of substances or drugs that result in incapacitation.
  - o When alcohol or other drugs are being used, a person will be considered to be incapacitated and unable to give effective consent if he/she cannot fully understand the details of a sexual interaction (i.e., who, what, when, where, why, or how) because he/she lacks the capacity to reasonably understand the situation.
  - o Consumption of alcohol or drugs alone is insufficient to establish incapacitation.
  - o Possession, use, and/or distribution of any of these substances, including but not limited to, Rohypnol, Ketamine, GHB, Burundanga is prohibited, and administering one of these drugs to another person is a violation of this policy. More information on these drugs can be found at <http://www.911rape.org>.
- 13. **Force:** is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that overcome resistance or produce consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.
  - o **NOTE:** There is no requirement that a person resists a sexual advance or request, but resistance is a clear demonstration of non-consent.
  - o The use of force is not “worse” than the subjective experience of violation of someone who has experienced sexual contact or intercourse without consent.
  - o The use of physical force constitutes a stand-alone, non-sexual misconduct offense as well, and it is the University’s expectation that those who use physical force (e.g. assault, restricting movement or activity, battery, etc.) would face not just the sexual misconduct charge but also charges under the University Regulations for the additional assaultive behavior.
- 14. **Coercion:** is unreasonable pressure for sexual activity.
  - o **NOTE:** Coercing someone into sexual activity is comparable to physically forcing someone into a sexual activity.
  - o Coercive behavior differs from seductive behavior based on the type of pressure someone uses to obtain consent from another.

- When someone makes clear that he/she does not want to engage in sex or a sexual activity, that he/she wants to stop, or that he/she does not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.
15. **Retaliatory Harassment:** is intentional action taken by an individual or allied third party, absent legitimate nondiscriminatory reasons, that harms an individual as reprisal for filing a grievance or for participating in an investigation or grievance proceeding.
  16. **Sexual/Gender-based Violence:** is non-consensual sexual contact, non-consensual sexual intercourse, sexual exploitation, sexual assault, domestic violence, or dating violence stalking.

## V. Complaint Procedure

The University has two approaches for resolving complaints of alleged violations of this policy: informal resolution and the formal grievance process. The informal resolution process will NOT be used for any sexual and/or gender-based violence complaint. Informal resolution efforts and the formal grievance processes are not mutually exclusive, and neither is a prerequisite for the other. Moreover, the informal resolution process may be ended at any time in order to initiate a formal complaint.

Individuals who believe that they have been victims of discrimination, harassment, gender-based misconduct, and/or sexual misconduct can contact the Human Resources Manager (if faculty or staff) or the Vice President for Student Affairs/Dean of Students (if a student) who will meet with them to hear their concerns and to review available options for informal and formal resolution. If either the Vice President for Student Affairs/Dean of Students or Human Resources Manager are the respondents in this case, the report shall be made to the Vice President of Business Services. Discussing a concern does not commit one to making a formal charge. However, an individual reporting a violation of this policy should be aware that the University may decide that it is necessary to take action to address the matter beyond an informal discussion. A support person may be present with the complainant while a complaint/concern is being reported to the Human Resource Manager or the Vice President of Student Affairs/Dean of Students.

The University encourages the prompt reporting of any potential violations of this policy so that it can take appropriate steps to maintain an environment free of discrimination, harassment, gender-based misconduct, and/or sexual misconduct and to ensure that its procedures are effective in promoting this goal. Early reporting and intervention has proven to be the most effective method of resolving actual or perceived incidents of discrimination and/or harassment.

A claim should be brought forth within 180 days from the alleged incident for the University's internal procedures to occur. Claims brought forth after 180 days will be considered on a case-by-case basis. There is no statute of limitation for an act of gender-based violence.

### A. Informal Resolution: Seeking Mediation (Not applicable for sexual/gender-based violence complaints)

1. Informal resolution procedures are intended to allow the complainant and the respondent to provide detailed information about the alleged incident(s) of discrimination or harassment and reach a mutually agreeable resolution. The mediation process aims to assure fairness, to facilitate communication, and to maintain an equitable balance of power between the parties.
2. With consent of both the complainant and the respondent, the Office for Human Resources (if faculty, staff, or administration) or the Office for Student Affairs (if a student) will contact a mediator whose training is appropriate to the conflict to be resolved. The mediator is not an advocate for either the complainant or the respondent. The role of the mediator is to aid in the resolution of problems in a non-adversarial manner.

3. The informal resolution process ends when a resolution has been reached or when the complainant or the respondent has terminated the process. At any time during the mediation process, the complainant and the respondent are free to withdraw consent. A successful informal resolution results in a binding agreement between the parties.
4. The mediator shall notify the Human Resources Manager or the Vice President for Student Affairs/Dean of Students of the result of the mediation process. If the dispute is not resolved through mediation, the Human Resources Manager or the Vice President for Student Affairs/Dean of Students shall immediately inform all affected parties and discuss with the complainant other alternatives for achieving resolution. The complainant may file a formal grievance with the Office of Human Resources (if faculty, staff, or administration) or with the Office of Student Affairs (if a student) or withdraw the informal complaint. The informal resolution process, if unsuccessful, will not prejudice the rights of either party in the dispute. Therefore, should the informal resolution be unsuccessful, neither the reasons for the failure of the mediation nor any material or statements made during the process will be used in any subsequent proceedings or forums within Buena Vista University.
5. No written records of the mediation process, other than the final resolution, shall be retained by the Human Resources Manager or the Vice President for Student Affairs/Dean of Students. Original documents shall be returned to their original source or to another site as agreed in the resolution by the complainant and the respondent.

## **B. Formal Grievance Process**

A formal grievance process may be initiated in person or in writing. For all faculty, staff, and administration complainants this process is handled by meeting with the Human Resources Manager or by written submission to the Human Resources Office. For all student complainants this process is handled by meeting with the Vice President for Student Affairs/Designee or by written submission to the Vice President for Student Affairs/Designee.

The University strongly encourages submission of grievances in writing after meeting first with the appropriate person. The formal grievance should be hand delivered or sent by certified mail to either the attention of the Human Resources Manager or the Vice President for Student Affairs/Designee, as appropriate, at: Buena Vista University, 610 West 4<sup>th</sup> Street, Storm Lake, IA 50588. A formal grievance must identify and include the following information:

- Name of the accused individual (respondent), his or her position or status, and contact information, if known;
- Clear and concise description of the alleged incident(s), what, when and where it occurred with supporting documentation and evidence, if any;
- Description of all informal efforts, if any, to resolve the issue(s) with the person involved (except in the case of gender-based allegations). This includes names, dates and times of attempted or actual contact along with a description of the discussion and the manner of communication made in the course of each effort;
- Names of witnesses or individuals who may have direct and relevant information about the specific allegation (with accompanying addresses, email addresses, and telephone numbers).
- Complainant's signature and the date signed;

### **1. Confidentiality**

Buena Vista University will endeavor to maintain confidentiality in all informal and formal proceedings, except as otherwise specified in these statements of procedure. All documents relating to the alleged incident of discrimination or harassment will be maintained as confidential.

Participants are authorized to discuss the case only with those persons who have a genuine need to know.

## **2. Preliminary Review of Complaint and Notice of Receipt**

- a) Upon receipt of a complaint, the Human Resources Manager or Vice President for Student Affairs/Designee will review the complaint for appropriateness and timeliness. The Human Resource Manager or Vice President for Student Affairs/Designee will provide the complainant with written notice of receipt of the complaint within 5 working days, and will advise the complainant of the University's grievance procedures and forms of relief.
- b) Formal grievance complaints require that the respondent be advised of the allegations and the source of the complaint by the Human Resources Manager or Vice President for Student Affairs/Designee. The Human Resources Manager or Vice President for Student Affairs/Designee, as appropriate, will provide the respondent with a copy of the formal grievance complaint (by hand delivery or certified mail) within 5 working days of receipt of the complaint, and will advise the respondent of the University grievance policy and procedures.
- c) The Human Resources Manager or Vice President for Student Affairs/Designee, as appropriate, shall discuss with the complainant whether or not the alleged incidents of discrimination, harassment, gender-based misconduct and/or sexual misconduct if proven, would constitute a violation of the University's policy, and whether or not it is appropriate to convene a Grievance Hearing Panel.
- d) The Grievance Hearing Panel membership shall consist of three faculty representatives appointed by Faculty Senate, three staff representatives appointed by the Vice President for Student Affairs and one Vice President representative appointed by the President of Buena Vista University, who will serve as Chair of each panel. For each specific case, the Vice President shall select, from the membership, two faculty and two staff members to serve on the panel.

## **3. Grievance Panel Procedures**

- A. The complainant and respondent are both entitled to appear in person, hear all information presented and present any relevant information, have a support person present, and call witnesses.
  - 1) A witness must be a person who has firsthand knowledge of the event or actions in question.
  - 2) The complainant/respondent must submit in writing the names of any witnesses that he/she wishes to give testimony. The list of witnesses must be submitted to the Human Resources Manager (Faculty/Staff) or Vice President for Student Affairs/designee (Students) at least 24 hours prior to the scheduled Grievance Panel hearing.
  - 3) A support person can be anyone the respondent and/or the complainant wishes to fulfill that role, with the exception of an individual called upon to serve as a witness for either party. The role of the support person will be to consult with the individual he/she is there to support at reasonable intervals during the course of the conference. The support person may not address the Grievance Panel or other persons at the hearing. She/he may only address the chair of the Panel and only with explicit approval in an exceptional circumstance by the chair of the Grievance Panel.
  - 4) If the respondent/complainant elects not to appear at the Grievance Panel hearing, the hearing shall be conducted in his/her absence.
  - 5) If the respondent/complainant refuses to answer any questions or make a statement, the Grievance Panel shall make its decision on the basis of information available at the time of the conference.

- 6) All hearings shall be conducted in private session. All statements, information, or comments given during the conference will be held in the strictest confidence by the complainant, the respondent, the Grievance Panel, the University staff, and witnesses and advisors before, during and after deliberation.
  - 7) The proceedings shall be preserved by means of written and audio records.
- B. The chairperson has the authority to maintain order and control of all persons at the hearing. The chairperson may expel persons from the hearing whose conduct interferes with the proper procedures of the Board. In such an event, the hearing will continue without the expelled person(s). In addition, all communication from the claimant, respondent, and all witnesses must be directed to the chairperson.

The Vice President for Student Affairs or Human Resources Manager shall call for meetings of the Grievance Panel. The Vice President for Student Affairs or Human Resources Manager will inform the respondent of the convening of the Grievance Panel in a timely manner. After the hearing, the Grievance Panel shall, within a reasonable time [usually ten (10) business days] make findings of fact, conclusions of law, and provide sanctions to be imposed, if any. If the case involves either a student complainant or respondent, at least one (1) Student Affairs professional will be required to serve on the Grievance Hearing Panel. This Grievance Panel hearing outcome will be forwarded to the Vice President for Student Affairs/Dean of Students or the Human Resources Manager to be delivered to the respondent.

- C. A Secretary will be selected by the Panel from its membership. This person is responsible for keeping accurate records of the case. These records are confidential as to specifics of the case and person(s) involved, but not as to university rules or principles of conduct, regardless of whether the final decision is responsible or not responsible.

The secretary's confidential record should include thorough notes during the hearing, summaries of the reasoning of the Panel and copies of the charges, decision, and sanctions. A report, omitting all names but otherwise complete, shall become a part of the permanent record of the Grievance Panel and will be available to members of the Grievance Panel so as to provide a guideline for future deliberations. The secretary must file results of the hearing with the Vice President for Student Affairs/Dean of Students or Human Resources Manager within ten (10) business days after the adjournment of the proceedings.

#### **4. Findings of the Panel**

The panel will deliberate in private session and will decide by closed vote whether a violation of the University's Policy Against Discrimination and Harassment and/or other University policies has occurred, based on the preponderance of the evidence. A decision of "responsible" requires that at least 4 members of the Grievance Hearing Panel vote in agreement. In the event that fewer than 4 members of the panel agree on an outcome of "responsible," "not responsible" will become the official decision. In the case of the finding of a violation, the senior administrative officer (typically the Vice President of an area for faculty/staff or the Vice President for Student Affairs for students), in consultation with the members of the panel, shall determine the appropriate remedy or sanction. A written summary prepared by the chair of the Grievance Hearing Panel on the basis of this judgment shall be conveyed to both the complainant and the respondent within three working days after the deliberations have been completed.

If the respondent is a member of the faculty, staff, or administration and has been found to be in violation of the University's Discrimination, Harassment, Gender-based Misconduct, Sexual

Misconduct policy, a written record of the grievance and the opinion by the Grievance Hearing Panel shall be retained in the files of the respondent's senior administrative officer and of the Human Resources Manager. If the respondent is a student, a written record shall be kept in the files in the Office of Student Affairs. When the complaint has been resolved through informal mediation or judged not to be well founded through formal hearing procedures, a written record shall be retained only at the request of the respondent or claimant.

## **5. Corrective Action**

The University reserves the right to take whatever measures it deems necessary in response to an allegation of sexual misconduct in order to protect the rights and personal safety of students, faculty, and staff. Such measures include, but are not limited to, modification of living arrangements, no contact orders, and interim suspension from campus pending a hearing. The University may implement protective measures following the report of domestic violence, dating violence, sexual assault and/or stalking which may include some or all of the following actions: campus escorts, special parking arrangements, providing a temporary cellphone, changing classroom location or allowing a student to complete assignments from home, etc. For students, sexual assault, domestic violence, dating violence, and stalking are violations of the Student Conduct Code. Employees who violate this policy will be subject to discipline, up to and including termination of employment. Sexual assault, domestic violence, dating violence, and stalking are criminal acts which also may subject the perpetrator to criminal and civil penalties under federal and state law.

The Title IX Coordinator 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. 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 Buena Vista University.

When a charge of sexual misconduct is formally processed, and a respondent is found to have violated this policy, serious sanctions will be used to reasonably ensure that such actions are never repeated. Not all forms of sexual misconduct will be deemed to be equally serious offenses, and the University reserves the right to impose different sanctions, ranging from verbal warning to expulsion, depending on the severity of the offense. The University also reserves the right to broaden or lessen any range of recommended sanctions in the case of serious mitigating circumstances or egregiously offensive behavior. Neither the initial Panel nor any appeals body or officer will deviate from the range of recommended sanctions unless compelling justification exists to do so.

- A. Any person found responsible for violating the Sexual Misconduct Policy for non-consensual sexual contact (where no intercourse has occurred) will likely receive a sanction ranging from probation to expulsion (student) or from probation to termination (faculty, staff, administration), depending on the severity of the incident, and taking into account any concurrent or previous Student Code of Conduct, Faculty or Staff Handbook violations.
- B. Any person found responsible for violating the Sexual Misconduct Policy for non-consensual or forced sexual intercourse will likely face a recommended sanction of suspension (student, faculty, staff, administration) or expulsion (student) or termination (faculty, staff, administration), and taking into account any concurrent or previous Student Code of Conduct, Faculty or Staff Handbook violations.
- C. Any person found responsible for violating the Sexual Misconduct Policy for sexual exploitation or sexual harassment will likely receive a recommended sanction ranging from warning (student, faculty, staff, administration) to expulsion (student) or to termination (faculty, staff,

administration), depending on the severity of the incident, and taking into account any concurrent or previous Student Code of Conduct, Faculty or Staff Handbook violations.

The respondent's senior administrative officer will impose prompt remedial and/or disciplinary action against any respondent found to have violated this policy. Responsive action may include, for example, targeted educational and training programs; the development and enforcement of explicit contractual agreements about future conduct; changes in the working, learning or living environment; formal censure; reassignment or removal from an elected or appointed position; suspension or expulsion; termination of employment; or other measures as the University believes will be effective in ending the misconduct and correcting the effects of the harassment.

### **Sex Offender Registration**

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.

In Iowa, convicted sex offenders must register with the Iowa Sex Offender Registry. You can link to this information at [www.iowasexoffender.com](http://www.iowasexoffender.com). This information is also available by contacting the Buena Vista County Sheriff's Department, County Courthouse, Storm Lake, Iowa 50588, 712-749-2530.

## **6. Time Frame, Process, and Grounds for Filing a Request for Appeal**

Either party (complainant or respondent) may appeal the findings and/or sanctions of the panel within five (5) business days of receiving the written decision by delivering a signed and dated appeal by hand or by certified mail to the Office of Human Resources or Office for Student Affairs, as appropriate, Buena Vista University, 610 West 4<sup>th</sup> Street, Storm Lake, IA 50588.

### **Appeal Process**

The disposition may be appealed to the president by the complainant or the respondent within 15 calendar days of the final ruling. The appeal process is initiated by filing a written request for review to the Office of the President of Buena Vista University. The written request must specify one or more of the following criteria: 1) new evidence, 2) evidence of alleged procedural errors which impaired the ability of either party to adequately present her or himself, or 3) the imposition of excessive penalty. Appeals may not be based on general dissatisfaction with the proposed disposition. The president shall have the authority to affirm the finding or remand the finding to the senior administrative officer for reconsideration. A copy of the president's written decision may be expected within 30 calendar days of the filing of the appeal and shall be sent to all parties and the senior administrative officer whose authority will be needed to carry out the disposition. The deadline may be extended by the president for good cause. The decision of the president on the appeal is final.

Sanctions will take effect immediately, notwithstanding an appeal. A request may be made to the panel chair to defer the effective date of sanctions in exigent circumstances. In cases where the appeal results in reinstatement to the institution or of privileges, all reasonable attempts will be made to restore the individual to his or her prior status, recognizing that some opportunities may be irretrievable in the short term.

## VI. False and Malicious Complaints

False and malicious accusations of a violation of this policy, as opposed to complaints which, even if erroneous, are made in good faith, may be the subject of appropriate disciplinary action.

## VII. Record Retention for Discrimination and Harassment Complaints

The Office of Human Resources and the Office for Student Affairs as appropriate are responsible for maintaining records relating to reports, investigations and resolutions of violation of this policy. Records will also be maintained in accordance with University records policies, generally for at least seven (7) years after the date the complaint is resolved. Records may be maintained longer at the discretion of the Human Resources Manager or Vice President for Student Affairs/Dean of Students in cases where the parties have a continuing affiliation with the University. Records of cases leading to suspension, expulsion, or termination will be kept indefinitely. All records pertaining to pending litigation or a request for records will be maintained in accordance with instructions from legal counsel.

## VIII. Support Resources

1. Confidential Support and Counseling: Individuals are encouraged to contact on-campus and off-campus counselors, or members of the clergy and chaplains for confidential counseling regarding any harassment matter. Employees are encouraged to contact Buena Vista University's Employee Assistance Program (EAP), (800) 828-6025, to access off-campus counseling resources. Seeking counseling is not meant to take the place of instituting the informal or formal complaint process described above. Please see below for additional resources:

<b>On-Campus</b>		
<b>Student Affairs Counseling Center</b>	Harold Walter Siebens Forum	712-749-3650
<b>Health Services &amp; Wellness</b>	Siebens Fieldhouse	712-749-1238
<b>Campus Security Office</b>	Harold Walter Siebens Forum	712-749-2500
<b>Office of the Title IX Coordinator</b>	Siebens Fieldhouse	712-749-2016
<b>University Chaplain</b>	Harold Walter Siebens Forum	712-749-2111
<b>Office of Multicultural Student Affairs</b>	Harold Walter Siebens Forum	712-749-2073

<b>In the Storm Lake Area</b>		
<b>Local Police</b>	401 E Milwaukee Storm Lake, Iowa 50588	712-732-8010
<b>Buena Vista Regional Medical Center</b>	1525 W 5th St Storm Lake, IA 50588	712-732-4030
<b>Battered Women's Shelters</b>	Family Crisis Centers of N.W. Iowa Sioux Center, IA	712-472-9626
	CAASA Spencer, IA	877-362-4612
	Council on Sexual Assault and Domestic Violence Sioux City, IA	712-277-0131

<b>Rape Crisis Center</b>	Family Crisis Centers of N.W. Iowa Sioux Center, IA	712-472-9626
	CAASA – Spencer, IA	877-362-4612
	CAASA – Storm Lake, IA	877-362-4612
<b>LGBTQ Alliance</b>	BVU Alliance Organization on Buena Vista University Campus	712-749-2073
<b>Local County Courthouse</b>	Buena Vista Co. Courthouse 215 E. 5 <sup>th</sup> Street Storm Lake, IA 50588	712-749-2546
	Buena Vista County Attorney 606 Geneseo Street Storm Lake, IA 50588	712-732-1933

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

[WWW.ICADV.ORG/](http://WWW.ICADV.ORG/)

[WWW.IOWACASA.ORG](http://WWW.IOWACASA.ORG)

[WWW.MALESURVIVOR.ORG/](http://WWW.MALESURVIVOR.ORG/)

[WWW.RAINN.ORG](http://WWW.RAINN.ORG)

[WWW.OVW.USDOJ.GOV/SEXASSAULT.HTM](http://WWW.OVW.USDOJ.GOV/SEXASSAULT.HTM)

[WWW2.ED.GOV/ABOUT/OFFICES/LIST/OCR/INDEX.HTML](http://WWW2.ED.GOV/ABOUT/OFFICES/LIST/OCR/INDEX.HTML)

Iowa Coalition Against Domestic Violence

Iowa Coalition Against Sexual Assault

Male Survivors of Abuse

Rape, Abuse and Incest National Network

Department of Justice

Department of Education, Office of Civil Rights

2. Support Person: The complainant and the respondent each may have a support person present with them during the informal and formal resolution process to provide moral support. The support person cannot be a party to the grievance or serve as a potential witness (character or factual). Except as directed by the chair, a support person will limit his/her role in a hearing to that of a support person to the respondent or the complainant/alleged victim. That is, a support person will have no speaking role at a hearing. Witnesses and others involved in an investigation are not entitled to have a support person. Support persons must be identified to the Human Resources Manager or the Vice President for Student Affairs/Designee at least two (2) business days before the date of the meeting with the Human Resources Manager or the Vice President for Student Affairs/Designee or the hearing.
3. Legal Counsel: It is the complainant's and the respondent's decision whether to seek the advice and assistance of an attorney at their own expense if they need legal advice. Although anyone has the right to seek legal advice, neither the complainant nor the respondent may be represented by legal counsel at investigatory interviews, informal resolution processes, or a University administrative hearing.

### **SPECIAL REPORTING DUTIES FOR SUPERVISORS AND SUSPECTED CHILD ABUSE**

1. Supervisor Responsibilities: All supervisors, faculty department chairs and program directors who become aware of behavior that may be in violation of the policy against Discrimination and Harassment must contact the Office of Human Resources or Office for Student Affairs for guidance on how to respond appropriately to allegations of discrimination, harassment, sexual harassment, or sexual misconduct.
2. Special Duties Involving Child Abuse or Mistreatment of a Minor: Individuals should report suspected child abuse and neglect, including sexual assault, to law enforcement and/or to Iowa

Department of Human Services offices by calling one of the numbers listed below. It is not the responsibility of any employee, student or volunteer to investigate child abuse. This is the role of child protective services and law enforcement authorities. Buena Vista University must act quickly regarding all accusations of sexual or physical abuse. The source of abuse does not need to be known in order to file a report. If you suspect child abuse or neglect, do the following:

- If a child is in immediate danger, call the police (911) immediately.
  - University employees and students should notify local law enforcement immediately when these situations are suspected. Storm Lake Police Department, (712) 732-8010 or local police departments at our GPS sites.
  - Members of the University community may also contact Buena Vista University Campus Security at (712) 749-2500, but not before they contact local law enforcement.
  - Call the Child Abuse Hotline (800) 362-2178. Mandated Reporters should call (800) 635-1522. All others should call (800) 362-2178 if there is concern about abuse of a child by a parent or custodian.
3. Title IX Reporting Duties: The following officers and individuals are designated as mandatory reporters when they receive reports or complaints of alleged gender-based discrimination including sexual harassment, sexual assault, and other forms of sexual misconduct involving students. All mandatory reporters must report the incident to the University's Title IX Administrator, who will determine the most appropriate course of action to ensure a prompt and equitable response.
- President
  - Senior Officers (Vice President for Academic Affairs, Vice President for Enrollment, Vice President for Business Services, Vice President for Student Affairs/Dean of Students, Vice President for Institutional Advancement)
  - Title IX Administrator
  - Campus Security
  - Human Resources administrators, EO/AA administrators
  - Deans, associate deans, and administrators with supervisory responsibilities
  - Student Conduct Administrators
  - Residential Life Professional Staff
  - Academic Department Chairs and Program Directors
  - Faculty
  - Other employees supervising overnight domestic or international student trips

## **IX. Consensual Relations Policy**

### **Policy.**

The teacher-student relationship lies at the foundation of the educational process. As a matter of sound judgment and professional ethics, faculty members have a responsibility to avoid any apparent or actual conflict between their professional responsibilities and personal relationships with students. Similarly, staff (including, but not limited to, administrators as well as full-time and part-time staff members) should assume responsibility to assure that all relationships with students are ethical and do not create any conflict of interests.

Romantic and/or sexual relationships between a staff/faculty member and a student have the potential to pose risks to the student, staff/faculty member, third parties and the University. In such relationships, voluntary consent by the student is suspect because of the inherently unequal nature of the relationship. A romantic and/or sexual relationship between a staff/faculty member and a student can lead to a complaint of sexual harassment when the student feels that he or she has been exploited. In addition, other faculty members, staff members or students may express concerns about undue access or advantage, favoritism, restricted opportunities or unfavorable treatment as a result of a relationship.

**Definition.**

"Supervisory responsibility" includes, but is not limited to, teaching, employment supervision, research, academic advising, coaching, service on an evaluation committees, grading, student conduct interactions, recommending in an institutional capacity for employment, fellowships or awards. This supervision can occur on or off campus.

**Regulation.**

- **Prohibition:** If a staff/faculty member has a supervisory responsibility over a student, the staff/faculty member is prohibited from having a romantic and/or sexual relationship with the student.
- **Strongly discourages:** If the staff/faculty member does not have supervisory responsibility over the student, the University strongly discourages any romantic and/or sexual relationship between the staff/faculty member and student.

**X. Title IX Reporting Policy**

Reporting Policy for Gender-based Discrimination and Sexual Misconduct. Different people on campus have different reporting responsibilities and different abilities to maintain confidentiality, depending on their roles at the University and upon University policy, when they receive a report of gender-based discrimination. Gender-based discrimination is an umbrella for a wide range of behaviors that falls under that descriptor, which includes sexual assault, other forms of sexual misconduct, and sexual harassment. At Buena Vista University, some individuals and campus resources can offer confidentiality while others have specific obligations to respond when they receive a report of a crime or a campus policy violation. Most resources on campus fall in the middle of these two extremes. Neither the University nor the law requires them to divulge private information that is shared with them except in certain circumstances, some of which are described below.

**To Report Confidentially**

If a student, faculty or staff desires that details of the incident be kept confidential, they should speak with on-campus or off-campus mental health counselors, medical providers, or members of the clergy. These persons are not required to disclose information unless there is a concern for imminent health and safety of the alleged victim or others. Students, faculty or staff may also seek confidential support from off-campus resources, such as a rape crisis center counselor.

**On-Campus Resources**

Counseling Services, (712) 749-2123

Health Services, (712) 749-1238

**Off-Campus Resources**

CAASA (The Centers Against Abuse and Sexual Assault), Storm Lake (712) 732-8120,

24-hour crisis line (877) 362-4612

**Non-Confidential Reporting Options**

In accordance with Title IX of the Education Amendments of 1972, all colleges and universities must have a designated Title IX Administrator who is responsible for ensuring institutional compliance with state and federal nondiscrimination and harassment laws. Under Title IX, colleges and universities must also clearly articulate who are "responsible employees" in response to a notice of gender-based discrimination (i.e., sexual harassment, sexual assault and other forms of sexual misconduct). The University Compliance Manager is Buena Vista University's designated Title IX Administrator.

Reporting an incident of sexual misconduct to the Title IX Administrator or a “responsible employee” is official notice to the institution. Students have the right and can expect to have incidents of gender-based discrimination to be taken seriously by the institution when formally reported, and to have those incidents investigated and properly resolved through administrative procedures. All “responsible employees” must report the incident to the Title IX Administrator, who will determine the most appropriate course of action to ensure a prompt and equitable response. Formal reporting means that only people who need to know will be told, and information will be shared only as necessary with investigators, witnesses, and the respondent.

At Buena Vista University, the following officers and individuals are designated as “responsible employees”:

- President
- Senior Officers (Vice President for Academic Affairs, Vice President for Enrollment, Vice President for Business Services, Vice President for Student Affairs/Dean of Students, Vice President for Institutional Advancement)
- Title IX Administrator
- Campus security
- Human Resources administrators, EO/AA administrators
- Deans, associate deans and administrators with supervisory responsibilities
- Student conduct administrators
- Residential life professional staff and student conduct administrators
- Academic department chairs and program directors
- Faculty
- Other employees supervising overnight domestic or international student trips

### **Reporting Obligations under the Clery Act**

Certain campus officials also have a duty to report sexual assault and other crimes for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept confidential, but statistical information must be passed along to campus law enforcement regarding the type of incident and its general location (on-or off-campus, in the surrounding area, but no addresses are given) for publication in the annual Campus Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety. Mandated federal reporters include: student conduct administrators, safety and security personnel, coaches, athletics directors, residence life staff, student activities staff, human resources staff, advisors to student organizations, and “any other official with significant responsibility for student and campus activities.” The information to be shared includes the date, the location of the incident (using Clery location categories), and the Clery crime category. This reporting protects the identity of the victim and may be done anonymously. **All Clery reports of sexual assault and other crimes should be reported to Campus Security, (712)749-2500 <https://www.bvu.edu/bv/campus-security/links.dot>**

### **Federal Timely Warning Reporting Obligations**

Campus Security must issue immediate timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community. The University will make every effort to ensure that a victim’s name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger. The reporters for timely warning purposes are exactly the same as detailed at the end of the above paragraph.

## Education and Prevention Programs

The University engages in comprehensive educational programming to prevent domestic violence, dating violence, sexual assault and stalking. 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 faculty that:

1. Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
2. Defines what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;
3. Defines what behavior and actions constitute consent to sexual activity in the State of Iowa;
4. Provides safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than the bystander;
5. Provides information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to avoid potential attacks.

The University has developed an annual educational campaign consisting of presentations that include distribution of educational materials to new students; participating in and presenting information and materials during new employee orientation; participating in the Spring and Fall Faculty orientation program; presenting programs throughout the year on at least a quarterly basis, including sessions such as: skits, clothes line projects, a residence hall speaker series, an annual poster series and web-based training programs regarding the Role of Faculty in Assisting Students Who Disclose Abuse or an Assault.

The University offered the following **primary, ongoing prevention, awareness and passive educational programs for 2016:**

<u>Name of Program</u>	<u>Sponsor</u>	<u>Date Held</u>	<u>Which Prohibited Behavior Covered?</u>
<b>SPRING 2016</b>			
Haven: Online Class for all freshman and transfer students covering Sexual Assault, Domestic Violence, & Stalking	Student Affairs	Spring 2016	SA, DoV, DaV, S
Class Presentation by Angus Pollock on transitioning Female to Male	GWST 110 (Callie Friesen)	Spring 2016	SA
Nurturing Health Sexual Awareness Workshop	Teacher's Inc.	Spring 2016	SA
Assigned Literature on topics including sex trafficking, relationship violence, and date rape.	SEDU 333: Young Adult Literature	Spring 2016	SA, DoV, DaV
Class Discussion and Lecture on Relationship Violence	Psych of Gender (Wind Goodfriend)	Spring 2016	SA, DoV, DaV
Discussion of Chapter 7 in textbook	Family Relationship Class (Dr. Stephanie Hays)	Spring 2016	DaV
Discussion of Chapter 13 which	Family Relationship	Spring 2016	DoV, DaV

covered intimate partner violence and dating violence	Class (Dr. Stephanie Hays)		
Class Discussion on Intimate Partner Violence	Family Relationship Class (Dr. Stephanie Hays)	Spring 2016	DoV, DaV
Two bulletin boards on alcohol consumption	RA Bulletin Boards	Spring 2016	AOD
Two programs on alcohol consumption	Residence Life	Spring 2016	AOD
Student Health 101 Article: “How to Rock your Bystander Intervention. Be Subtle, Be Safe Be the Difference.”	Health Services & Wellness	January 2016	SA, DaV
Facebook Post: Drinking Responsibly	Campus Security	January 20, 2016	AOD
Four Bulletin Boards on Sexual Assault	RA Bulletin Boards	February 2016	SA
Student Health 101 Article: “Own your Sex Life-How to Talk Condoms and STI’s”	Health Services & Wellness	February 2016	SA
Bulletin Board on drugs	RA Bulletin Board	February 2016	AOD
Together We Can: Sexual Violence, Gender, and Responsibility	ACES Event with Health Services and Wellness	February 11, 2016	SA
Man Up? Masculinity and Popular Culture	ACES Event with Health Services and Wellness	February 11, 2016	SA
Facebook Video Post: What is Consent?	Campus Security	February 11, 2016	SA
Wines of the World	Student Affairs	February 18, 2016	AOD
Student Health 101 Article: “How to Take Back the Night in 6 Steps.”	Health Services & Wellness	March 2016	SA
Difficult Decisions/Interpersonal Conflict	International Seminar (Mark Shea)	March 2, 2016	SA, DoV, DaV, S
Class Lecture and discussion on Chapter 8 of <i>Gendered Worlds</i>	GWST 110	March 3, 2016	SA, DoV, DaV
Lager & Ale	Student Affairs	March 3, 2017	AOD
Facebook Post: National Collision Awareness Month – drinking & driving	Campus Security	March 8, 2016	AOD
Discussion of novel <i>Inexcusable</i>	GWST 110: Intro to Gender & Women’s Studies	March 8 & 15, 2016	SA
Presentation on Sexual Assault in the Military (Capt. Gorman)	GWST 110	March 10, 2016	SA
Spring Break Safety Table	Campus Security	March 16, 2016	AOD
A.W.O.L. (Alternate Week of Off-Site Learning) – Program designed to provide students with an opportunity to volunteer over their spring break rather than the stereotypical spring break of large alcohol consumption with friends on the beach.	Civic Engagement & Student MOVE	March 19-27, 2017	AOD

Guest Speaker (Pamela Cathy) discussed relationship violence	Psych of Gender (Wind Goodfriend)	April 2016	SA, DoV, DaV
Student Health 101 Article: "Let's Talk about Sex. How to Share What You Both Want."	Health Services & Wellness	April 2016	SA
Student Health 101 Article: "Sext Request? 6 Smarts Ways to Respond."	Health Services & Wellness	April 2016	SA
Consent is Sexy Postcard in Student Mailboxes	Team Wellness	April 2016	SA
Poster advertising the Circle of 6 App, a mobile app that is a simple tool to prevent violence before it happens	Health Services & Wellness	April 2016	SA, DoV, DaV
CAASA Training	CEC & Teacher's Inc.	April 2, 2016	SA, DoV, DaV
Student/Teacher Interactions & Sexual Harassment	International Seminar (Mark Shea)	April 6, 2016	SA
Human Trafficking: The Travails of a Trafficked Woman	ACES Event	April 13, 2016	SA, DoV
Facebook Post: As Simple as Tea (Sex Without Consent is Rape)	Campus Security	April 14, 2016	SA
Facebook Post: Sexual Assault Awareness 5K	Campus Security	April 17, 2016	SA
Sexual Assault Awareness 5K	GWST 110 & CAASA	April 23, 2016	SA
The Hunting Ground: A Film About Sexual Assault	ACES Event with GWST	April 24, 2016	SA
Midnight Movie – Event designed to provide an alternative to going out Buenafiction Day Eve. This night is often seen as a party night and the movie provides students with an alternative.	Student Activities Board (SAB)	April 27, 2016	AOD
Facebook Post on alcohol and drug related car crashes	Campus Security	April 27, 2016	AOD
Class Discussion – Discussed BVU's Alcohol & Drug Policy	University Seminar (Stephanie Hays)	May 3, 2016	AOD
Class Readings & Discussion – Discussion of how alcohol affects liver function and how infection with hepatitis viruses, and in particular, chronic viral infections, requires lifelong changes in alcohol use/consumption. Drug use also covered in this lecture in the context of putting additional stress on the liver during chronic hepatitis virus infections	Introduction to Biology: Infection Diseases (Brian Lenzmeier)	May 4, 2016	AOD
Class Discussion – Mark Kirkholm (Director of Campus Security) answered questions about BVU's	University Seminar (Stephanie Hays)	May 5, 2016	AOD

Alcohol & Drug Policy			
Alcohol Education Class – Education class for students that have committed first time violations of the alcohol policy	Counseling Services	May 6, 2016	AOD
<b>FALL 2016</b>			
Class discussions and class readings regarding dating violence, sexual assault, domestic violence, alcohol and drugs.	University Seminar (David Walker)	Fall 2016	DaV, SA, DoV, AOD
Campus Clarity: Online class for all freshman and transfer students covering sexual assault, domestic violence, dating violence, stalking, alcohol and drugs.	Student Affairs	Fall 2016	DaV, SA, DoV, S, AOD
Invited campus resources to speak regarding campus violence, including sexual assault and dating violence, and alcohol and health.	University Seminar (Dixee Bartholomew-Feis)	Fall 2016	DaV, SA, AOD
University Seminar Class Lessons	University Seminar (Ashley Farmer-Hanson)	Fall 2016	DaV, SA, DoV, S, AOD
Discussion with team concerning sexual decisions and alcohol.	Women’s Basketball Coach (Janet Berry)	Fall 2016	SA, AOD
Class discussion on the video “Tough Guise” which discusses how masculinity is constructed in U.S. culture	Introduction to Gender & Women’s Studies (Annamaria Elsdon)	Fall 2016	SA, DoV
Presentation on Sexual Assault in the Military	Introduction to Gender & Women’s Studies (Captain Thomas Gorman)	Fall 2016	SA
Two Programs on Sexual Consent	Residence Life	Fall 2016	SA
Program on Child Abuse	Residence Life	Fall 2016	DoV
RA distributed condoms with a note about sex safe and facts about STDs	Residence Life	Fall 2016	SA
Grab a Powerup Before Player Two Enters the Game	RA Bulletin Board	Fall 2016	SA
Assigned course text: <i>Voices of Hope – Breaking the Silence of Relationship Violence</i>	Introduction to Trauma Advocacy	Fall 2016	SA, DaV, DoV, S
Learning objectives include understanding relationship violence, including dating violence, domestic assault and child abuse	Introduction to Trauma Advocacy	Fall 2016	SA, DaV, DoV, S
Assigned course text: <i>When men batter women: New insights into ending abusive relationships</i>	Psychology of Relationship Violence	Fall 2016	SA, DaV, DoV, S
Learning objectives include analyzing psychological aspects of relationship	Psychology of Relationship Violence	Fall 2016	SA, DaV, DoV, S

violence from both the victim and the abuser and different types of relationship violence			
Course covers sexual assault, dating violence and domestic assault	Psychology of Trauma	Fall 2016	SA, DaV, DoV
Course covers sexual assault, dating violence and domestic assault	Capstone: Beyond Trauma	Fall 2016	SA, DaV, DoV
Course covers sexual assault, dating violence and domestic assault	Criminal Justice and Trauma: Role of the Trauma Advocate in the Criminal Justice System	Fall 2016	SA, DaV, DoV
Resident Assistant Training	Mark Kirkholm (Director of Campus Security) & Emily Gallagher (Title IX Coordinator)	August 2016	DaV, SA, DoV, S
Title IX Training	Mason City Campus	August 1, 2016	SA, DaV, DoV, S
Faculty and Staff Training for New Employees	Mason City Campus	August 16, 2016	SA, DaV, DoV, S, AOD
College Essentials: Safe Colleges/Title IX	Mason City Campus	August 16, 2016	SA, DaV, DoV, S
Resident Assistant Training	Residence Life	8/16/16, 8/18/16, 8/22/16, 8/24/16	DaV, SA, AOD
GTC Dramatic Dialogues – Program combining dialogue on alcohol and sexual assault	Welcome Week/Freshman Orientation	August 26, 2016	SA, AOD
Course covers chemical dependency issues in health/human services professions	Chemical Dependency Issues (Ottumwa, Newton, West Burlington Campuses)	7/7/16 – 8/28/16	AOD
Course covers the psychology, social and physiological signs and symptoms of alcohol, tobacco, drugs and addictions	Alcohol, Tobacco, Drugs & Addictions (Ottumwa, Newton, West Burlington Campuses)	7/7/16 – 8/28/16	AOD
Addictions Course	Mason City Campus	7/7/16 – 8/28/16	AOD
Student Health 101 Article, “Preventing Sexual Assault in LGBTQ Student Communities”	Health Services & Wellness	September 2016	DaV, SA, DoV
Student Health 101 Article, “The Student Guide to Going Out”	Health Services & Wellness	September 2016	AOD
Effects of Sexual Abuse	NIACC, Continuing Education Mason City Campus	September 14, 2016	SA
Student Health 101 Article, “8 Steps to Sexual Empowerment”	Health Services & Wellness	October 2016	DaV, SA, DoV
Student Health 101 Article, “Drinking? The Science of the Buzz and How You Can Control It”	Health Services & Wellness	October 2016	AOD

Student Health 101 Article, “Vaping: What We Know So Far & What We Don’t Get”	Health Services & Wellness	November 2016	AOD
Presentation by Jeffrey Bucholtz, “Before it Happens: Realistic Strategies for Preventing Relationship Violence”	ACES Event with Health Services & Wellness	November 3, 2016	DaV, SA, DoV
Presentation by Jeffrey Bucholtz, “Together we Can: Sexual Violence, Gender, and Responsibility”	ACES Event with Health Services & Wellness	November 3, 2016	DaV, SA, DoV
Class discussion on the book <i>Inexcusable</i> , a novel that tells the story of sexual assault from the point of view of the perpetrator	Introduction to Gender & Women’s Studies (Annamaria Elsdon)	October 26 – November 11, 2016	SA
Class Discussion of how drug use and alcohol use alters the metabolism of the liver and leads to long term liver failure	Biochemistry Class (Brian Lenzmeier)	November 28, 2016	AOD
“Pot” Party – Students potted plants and discussed drug facts	Residence Life	November 30, 2016	AOD
Student Health 101 Article, “What’s Your Bystander Style?”	Health Services & Wellness	December 2016	DaV, SA, DoV
Student Health 101 Article, “Getting Tested - What Do You Know About Sexual Health (and everything)?”	Health Services & Wellness	December 2016	DaV, SA, DoV
Student Health 101 Article, “Drinking? 7 Ways to Get What You Want from It”	Health Services & Wellness	December 2016	AOD
Class discussion of sexually transmitted infections and the importance for checking for them in response to unwanted to unexpected sexual encounters	Microbiology Class (Brian Lenzmeier)	December 2016	SA
Consent is a Basic Human Right	RA Bulletin Board	December 2016	DaV, SA
Consent is Sexy	RA Bulletin Board	December 2016	DaV, SA
What the Fox? Get Consent	RA Bulletin Board	December 2016	DaV, SA
Safe Sex Drive-In	RA Bulletin Board	December 2016	SA
Don’t Touch the Butt	RA Bulletin Board	December 2016	DaV, SA
Drinking Games with Paul – Alcohol safety and information session	Residence Life	December 9, 2016	AOD

❖ DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking, AOD means Alcohol & Other Drugs

## Residence Hall and Campus Facilities

Campus facilities are open to students, employees and guests during normal business hours. Because of the University’s size and location, formal policy for identification and admission of visitors has not been necessary; however students, staff and faculty are requested to notify campus security of any suspicious persons or circumstances. Individuals not having legitimate business on campus may be arrested for criminal trespass after being asked to leave. Loitering or soliciting is not permitted on campus.

The university has 8 residence halls. Residence Hall Directors (RHDs) and Resident Advisors (RAs) live in the residence halls and are trained to assist individuals on the floor and to help maintain a healthy educational environment. Residential staff receives training in basic security and emergency procedures.

Campus Security officers also patrol the residence halls, and provide support to the Residence Life staff.

Residence halls are locked 24 hours a day. When doors are locked residents gain access to their building by using their university ID card. Students are issued keys to their room and students are responsible for safekeeping and securing their own rooms.

Non-University overnight guests must be registered with the Residence Life staff, and must have the roommates' approval. Overnight guests are limited to a stay of three consecutive nights. Guests and visitors must adhere to the same regulations as resident students. After regularly established quiet hours members of the opposite gender must be escorted by their host while in any public areas of single gender residence halls.

During holidays and breaks, residence halls may be locked for longer periods.

# Buena Vista University Drug and Alcohol Policy

*Published as part of compliance with The Drug-Free Schools and Communities Act Amendments of 1989*

January 14, 2016

To receive federal financial assistance of any kind, including grants and loans to students, all colleges and universities must adopt and implement a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees. Buena Vista University has a substance abuse prevention program offered through our Health Services and Wellness Office and our Office of Counseling Services. The information which follows is being distributed as a means of complying with the requirements of the Drug-Free Schools and Campuses Act as articulated by the U.S. Department of Education. More importantly, however, the information will serve as a basis for standards of conduct for the entire campus community with regard to illicit drugs and alcohol as well as provide information on the possible consequences of inappropriate behavior.

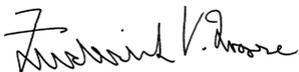
On the following pages you will find:

- A statement of acceptable conduct, including the University's Drug and Alcohol Policies;
- Description of applicable legal sanctions under local, state and federal laws for the unlawful possession, use and distribution of illicit drugs and alcohol;
- Description of the health risks associated with the use of illicit drugs and the abuse of alcohol;
- Information on drug and alcohol counseling, treatment, or rehabilitation and re-entry programs that is available to students and employees;
- A statement of possible disciplinary sanctions which are applicable to members of the University community who violate law or university policy with respect to the abuse of alcohol or the manufacture, possession, use, or distribution of illicit drugs.

Please take time to become familiar with the information. Buena Vista University intends to ensure that all applicable sanctions for the illicit use of drugs or alcohol are consistently enforced.

With best wishes,

Sincerely,



## Standards of Conduct

The conduct of students and employees should respect and contribute to the unique intellectual, emotional, physical and spiritual development of every individual at the University and enhance the academic atmosphere of the institution.

In accordance with local, state and federal laws, Buena Vista University prohibits the unlawful possession, use or distribution of illicit drugs and drug-related paraphernalia, and alcohol by students and employees on its property, or on property used by the University such as classrooms at Buena Vista University Professional & Online Studies locations, or as part of any university-sanctioned activities. Such actions are not only against the law but they may adversely affect the safety, health and performance of individuals in the classroom and work place. In addition, such use constitutes a potential danger to the security and welfare of others and exposes the University to property and financial losses.

As a part of the Standards of Conduct for individuals associated with Buena Vista University, the attention of students and employees is called to the following:

***Illicit Drugs:*** *the manufacture, sale, delivery, possession or use of any illicit drug and/or drug-related paraphernalia is prohibited on property owned or used by Buena Vista University or as part of any university-sanctioned activity.*

***Alcohol:*** *the use, including the sale, delivery, possession and consumption of alcoholic beverages in or on property owned or used by the University or as part of any University activity is prohibited except as otherwise provided in the "Buena Vista University Alcohol Policy" (see page 10). When and where permitted under this policy, the use of alcoholic beverages on university property shall be considered a privilege and may be allowed only if consistent with state and local laws and university regulations, and only when it will not interfere with the decorum and academic atmosphere of the University.*

If an individual associated with the University is apprehended for violation of any drug or alcohol-related law when on university property or participating in a university-sanctioned activity, the University will cooperate fully with law enforcement and other agencies in administering a corrective or rehabilitative program for the individual. The University also reserves the right to initiate concurrent disciplinary action, up to and including termination of the individual's association with Buena Vista University.

## **A Summary of Federal, State and Local Laws and Sanctions for the Unlawful Possession, Use, or Distribution of Illicit Drugs and/or Drug-Related Paraphernalia**

*A more detailed explanation of legal sanctions will be found in the appendix.*

**Possession** of controlled substances, such as narcotics, stimulants, depressants or hallucinogens, carries criminal penalties including imprisonment up to 20 years and fines up to \$10 million under federal laws, depending on the type and quantity of drug and whether it is a first or subsequent offense. Moreover, personal property may be forfeited and federal benefits, such as student loans and grants, may be denied on the first offense.

Under State of Iowa and local laws, simple possession is a serious misdemeanor and criminal penalties may include up to a year imprisonment and/or a fine of up to \$1,875.

While Marijuana has become legal in some states, it remains illegal to manufacture, possess, consume, or distribute this substance in the state of Iowa.

**Drug Paraphernalia:** No person may use, possess, manufacture, or deliver drug-related paraphernalia. Drug-related paraphernalia is defined to be all equipment, products, and materials of any kind which will be used, intended for use or designed for use with regard to drugs in any manner.

**Trafficking** in a controlled substance carries criminal penalties including imprisonment up to life and fines up to \$20 million for an individual under federal law, depending on the type and quantity of the drug and whether it is a first or subsequent offense.

Under State of Iowa and local laws, trafficking an illicit drug carries criminal penalties of up to 50 years in prison and up to \$1 million in fines, depending on the type and quantity of the drug. Subsequent violations can triple the imprisonment sentence and fine. Moreover, there are special penalties for trafficking to minors.

### **Summary of State and Local Laws and Sanctions Regarding Alcohol**

No one can have open containers of alcohol in a motor vehicle on a public street. Violation results in a fine of \$200.

No one can use or consume any alcoholic beverage on a public street. A court appearance is required.

No one can use or consume any liquor at an elementary or secondary school or on any elementary or secondary school premises.

No one can be intoxicated or simulate intoxication in a public place. A court appearance is required.

A person under age 21 cannot have any alcoholic beverage in his/her possession or control except in a private home with the knowledge, consent and presence of the parent or guardian. Violation results in a fine of \$200. Second offense: Unscheduled misdemeanor punishable by fine of \$500 and shall have an abuse evaluation or loss of driver license for no more than one year. Third offense: Unscheduled misdemeanor punishable by fine of \$500 and suspension of driver license, not to exceed one year.

No one can sell or give alcohol to a minor (with the exception stated above regarding alcohol in a private home with the knowledge, consent and presence of a parent or guardian).

No person can misrepresent their age for the purpose of obtaining alcohol.

*The penalty for the violation of any of the above crimes is up to 30 days in jail or up to a \$200 fine, except if someone gives alcohol to a person 19 or 20, and the “supplier” is under 21 the offense is a simple misdemeanor, while if the “supplier” is 21 or over the offense is a serious misdemeanor.*

No one shall operate a motor vehicle on a public street while intoxicated.

*The penalty for OWI varies depending on whether it is a first offense, second offense, etc. For the first offense, the penalty is 48 hours in jail and, generally, a fine of about \$1,250. There is also a loss of driver's license privileges for roughly 6 months. For the second offense, the penalty is a minimum of 7 days in jail but not to exceed two years as well as a minimum fine of \$1,875 but no more than \$6,250 and loss of driver's license for a minimum of one year. For the third offense, the penalty of a minimum of 30 days in jail but could be up to a 5 year incarceration, a minimum fine of \$3,125 but not more than \$9,375 and loss of driver's license for 6 years.*

*Also a person under age 21 is subject to the “zero tolerance” law which went into effect July 1, 1995.*

*For example:*

- “Zero Tolerance” is at least .02 blood alcohol content (BAC).
- .02 BAC can result from one beer or drink—or less.
- Any driver under 21 who is stopped and tests as little as .02 BAC will lose his/her driver's license for at least 60 days for the first offense.
- If a driver refuses to take the BAC test, the driver's license will also be suspended for one year.
- No school or work driving permit will be allowed.
- Cost of the Drinking Driving Course is approximately \$100, to be paid by the offender. Subsequent violations will result in license revocation for a minimum of 90 days with no school or work driving permit.

In addition, the city of Storm Lake has an ordinance which bans beer kegs in city parks:

“10-8-1: Prohibition of Beer Kegs: No person, corporation or other entity shall have, possess, use or dispense beer from kegs of beer within any parks of the city of Storm Lake. As used herein, a keg shall mean any barrel or other container with the capacity of more than one gallon and shall include as well beer kegs or containers which are incorporated into beer trucks and/or other motor vehicles.”

### **Health Risks Associated with the Use of Alcohol and Other Drugs**

Alcohol is the most abused drug in society as well as on college campuses. Nearly 88,000 people die from alcohol related causes annually, making it the third leading cause of preventable death in the United States. Each year, college students account for 1825 of those deaths. While there have been documented health benefits for moderate drinking (1 drink a day for women and 2 drinks a day for men), the majority of health and social problems contributed to alcohol come from binge drinking. The [National Institute on Alcohol Abuse and Alcoholism](#) defines binge drinking as a pattern of drinking that brings a person's blood alcohol concentration (BAC) to 0.08 grams percent or above. This typically happens when men consume 5 or more drinks, and when women consume 4 or more drinks, in about 2 hours. Over 24% of the population ages 18 or older report that they have engaged in binge drinking in the last month.

According to the Centers for Disease Control and Prevention (CDC), Binge drinking is associated with many health problems, including unintentional injuries (e.g., car crashes, falls, burns, drowning), intentional injuries (e.g., firearm injuries, sexual assault, domestic violence), alcohol poisoning, and sexually transmitted diseases. The National Institute on Drug Abuse (NIDA) reports that alcohol abuse costs the United States \$235 billion in costs related to crime, lost work productivity, and healthcare.

The CDC also reports that 9.2% of the population 12 years of age and older have used illicit drugs in the last month. The NIDA calculates the cost to the United States to be \$193 billion in costs related to crime, lost work productivity, and healthcare. The health risks associated with the use of illicit drugs are numerous and vary depending on the type of substance used. Many of them are discussed in the list below. However, the risk of overdose is a concern for almost all illicit substances. Overdose can result in coma, convulsions, psychosis or death. Combinations of certain drugs, such as alcohol and barbiturates, can be lethal. The purity and strength of doses of illicit drugs are uncertain.

Continued use of alcohol and illicit drugs can lead to an alcohol or substance use disorder. This is defined in the Diagnostic and Statistical Manual of Mental Disorders (DSM-5) as a problematic pattern of alcohol or substance use leading to clinically significant impairment or distress. Signs of the disorder include increased tolerance (requiring more and more of a drug to get the same effect), continued use despite persistent or recurring problems with interpersonal relationships, employment, or the legal system, or withdrawal (a painful, difficult and dangerous symptom when stopping use of alcohol or

drugs). Many times professional intervention is needed to help someone dealing with an alcohol or substance use disorder.

### **Some physiological effects of specific drugs:**

**Alcohol** is a depressant which, used in any dose, reduces coordination and alertness, making activities such as driving dangerous. Large doses of alcohol can cause unconsciousness, hypothermia, respiratory arrest and death. Physical complications of chronic alcohol use include liver damage, hepatitis, altered brain cell functioning, gastritis, heart disease, circulatory problems, peptic ulcers, some forms of cancer, premature aging, impotence, infertility, reproductive disorders, pneumonia, tuberculosis and neurological disorders, hypertension and high blood pressure.

Repeated use of alcohol can lead to dependence. Sudden cessation of heavy alcohol intake may produce withdrawal symptoms, including severe anxiety, tremors, hallucinations and convulsions. Alcohol withdrawal can be life-threatening.

Women who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome, the third leading cause of birth defects. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.

**Marijuana** when smoked irritates lung tissue, increasing the risk of lung cancer. It decreases visual perception and psychomotor skills; it adversely affects the reproductive system; it delays onset of secondary sexual characteristics, and it is stored in body tissue for periods of time.

**Cocaine/Crack** increases blood pressure, heart and breathing rates and is extremely addictive. It may cause anxiety, brain seizures and strokes. Chronic snorting can ulcerate the mucous membranes of the nose. There is no antidote for overdose.

**Amphetamines/Stimulants** increase heart rate and blood pressure; stroke and heart failure may result from high doses. Long-term abuse may result in malnutrition and brain damage.

**Hallucinogens (LSD, Mushrooms, PCP)** have unpredictable effects that vary with individuals; panic reactions are common. Impurities are likely, as with any street drug.

**Date-Rape Drugs ROHYPNOL & GHB (Gamma-Hydroxy Butyrate)**, commonly referred to as “date rape drugs,” cause dizziness, drowsiness, confusion or reduced levels of consciousness. When ingested with alcohol, they can cause amnesia and even death.

**Depressants/Sedatives/Barbiturates** act much like alcohol, by depressing the central nervous system.

**Narcotics/Heroin** are opiates used to relieve pain. Tolerance develops quickly, and a user attempting to quit will experience withdrawal symptoms after only a few days of drug use. Infections and AIDS transmission are associated with unsterile conditions of use.

**Synthetic Marijuana** is a designer drug in which herbs, incense or other leafy materials are sprayed with lab-synthesized liquid chemicals to mimic the effect of tetrahydrocannabinol (THC). Complications due to synthetic pot use include high blood pressure, rapid heart rate, profuse sweating, confusion, hallucinations, nausea, vomiting, anxiety, agitation and seizures. It can also cause reduced blood supply to the heart and heart attacks.

**Prescription Drug** effects vary by medication. They can cause an increased risk of choking, low blood pressure or high blood pressure, memory problems, dangerously high body temperature, heart problems, seizures or tremors, hallucinations, aggressiveness, paranoia, a slowed breathing rate and the potential for breathing to stop, coma, and death.

**MDMA (Ecstasy or Molly)** causes confusion, depression, sleep problems, memory problems and anxiety. It can also cause an increase in heart rate and blood pressure, muscle tension, involuntary teeth clenching, nausea, blurred vision, faintness, and chills or sweating. In high doses, MDMA can interfere with the body's ability to regulate temperature which can lead to a sharp increase in body temperature (hyperthermia), which can result in liver, kidney, or cardiovascular system failure or even death.

**Inhaling Alcohol (Smoking Alcohol)** is the act of pouring alcohol over dry ice and breathing in the vapors. Inhaled alcohol goes directly into the lungs, then to the brain, and circumnavigates the liver. This process is more likely to lead to alcohol poisoning because the body isn't able to get rid of excess alcohol by vomiting. It is also difficult to know how much alcohol is being consumed.

**Anabolic Steroids** suppress gonadotropic functions of the pituitary. Side effects include liver and kidney dysfunction, testicular atrophy, premature closure of bone growth plates, hair loss and acne, and heart failure.

**Inhalants** act quickly as anesthetics and slow down body functions. Nausea and nosebleeds result from immediate use, while loss of consciousness may result at high doses. Long-term use damages organs and the nervous system.

**Caffeine** in high doses may cause nausea, diarrhea, sleeplessness, headache and trembling.

**Nicotine** may cause cancer of the lungs, larynx and mouth.

*More information is available from the Buena Vista University Student Affairs Office.*

## **Alcohol and Drug Prevention and Counseling Services**

Various agencies provide prevention programs and will assist University students and employees who may need counseling for drug and alcohol abuse problems.

### **Buena Vista University Storm Lake Campus**

Office of Counseling Services

Harold Walter Siebens School of Business/Siebens Forum

Campus Box 2983

(712) 749-2123 (Student Affairs) or (712) 749-3650 (Counseling Center)

Office of Health Services and Wellness

Siebens Fieldhouse

Campus Box 1238

(712) 749-1238

Additional support services are available to all university employees through the University's Employee Assistance Program. This program is administered by Human Resources, and the program can be accessed by calling 1-888-267-8126. All contacts are confidential, and information regarding who has

contacted the Employee Assistance Program is not available to anyone at the University unless the individual seeking assistance expressly allows it to be.

*Alcohol and other drug counseling, evaluations, and referral services are available for Buena Vista University Storm Lake campus students and employees at no charge. All contacts are confidential.*

**Storm Lake**

Compass Pointe  
825 Flindt Drive, Suite 104  
Storm Lake, Iowa 50588  
(712) 732-5136

Seasons Center for Behavioral Health  
608 Geneseo Street  
Storm Lake, IA 50588  
(800) 242-5101

Outpatient agencies of Compass Pointe and Seasons Center for Behavioral Health provide prevention education, counseling, evaluations, and referrals. Cost is based on sliding scale.

**Buena Vista University Sites:** Support services are available to all university employees through the University's Employee Assistance Program. This program is administered by Human Resources, and the program can be accessed by calling 1-888-267-8126. All contacts are confidential, and information regarding who has contacted the Employee Assistance Program is not available to anyone at the University unless the individual seeking assistance expressly allows it to be.

The following agencies provide services in areas where BVU sites are located. Most agencies provide outpatient services, including assessment, referral, and group, family and individual counseling to adults and youth. In most cases, the costs of services are based on a sliding scale according to ability to pay.

**Burlington**

Alcohol and Drug Dependency Services of SE Iowa  
1340 Mt. Pleasant Street  
Burlington, Iowa 52601  
(319) 753-6567

Woodlands Treatment Center  
4715 Sullivan Slough Road  
Burlington, Iowa 52601  
(319) 753-0700

**Carroll**

New Opportunities, Inc.  
23751 Hwy. 30 East  
P.O. Box 427  
Carroll, Iowa 51401  
(712) 792-1344

**Council Bluffs**

Heartland Family Service  
515 East Broadway  
Council Bluffs, Iowa 51503  
(712) 322-1407

Psychiatric Associates (Alegent Health, Mercy Hospital)  
801 Harmony Street, Suite 302  
MERCY TWO Professional Center  
Council Bluffs, IA 51503  
(712) 328-2609

**Creston**

Crossroads Behavioral Health Services  
1003 Cottonwood Road  
Creston, IA 50801  
(641) 782-8457

**Denison**

Jackson Recovery Centers  
1233 Broadway  
Denison, IA 51442  
(712) 263-5065

**Emmetsburg**

Compass Pointe  
1104 Broadway  
Emmetsburg, IA 50536  
(712) 852-3471

**Estherville**

Compass Pointe  
208 North 8<sup>th</sup> Street  
Estherville, IA 51334  
(712) 362-2252

Seasons Center for Behavioral Health  
115 North 6<sup>th</sup> Street  
Estherville, IA 51334  
(800) 242-5101

**Fort Dodge**

Community and Family Resources  
726 S. 17th St.  
Fort Dodge, IA 50501  
(866) 801-0085

K-Moore Services  
728 1<sup>st</sup> Ave. North  
Fort Dodge, IA 50501  
(515) 576-3002

New Perspective Treatment Care Services  
1728 Central Ave., Suite #6  
Fort Dodge, Iowa 50501  
(515) 302-8025

**Iowa Falls:**

Substance Abuse Treatment Unit of Central Iowa  
1506 Edgington Avenue, Suite B  
P.O. Box 248  
Eldora, IA 50627  
(641) 939-7280

Franklin County Alcoholism Service Center  
504 2<sup>nd</sup> Ave., S.E.  
Hampton, Iowa 50441  
(641) 456-3164

**Le Mars**

Jackson Recovery Centers  
19 Lincoln Street S.E.  
Le Mars, IA 51031  
(712) 546-7868

**Marshalltown**

Substance Abuse Treatment Unit of Central Iowa  
9 North 4th Avenue  
P.O. Box 1453  
Marshalltown, IA 50158  
(641) 752-5421

**Mason City**

Prairie Ridge Addiction Treatment Services  
320 North Eisenhower Avenue  
PO Box 1388  
Mason City, IA 50402  
(641) 424-2391

**Newton**

Capstone Behavioral Healthcare  
306 North Third Avenue East  
Newton, Iowa 50208  
(641) 792-4012

Integrated Treatment Services, LLC  
501 West Third Street North  
Newton, Iowa 50208  
(641) 275-7533

**Ottumwa**

SIEDA Community Action  
Behavioral Health and Treatment Services  
226 West Main Street  
PO Box 658  
Ottumwa, IA 52501  
(641) 682-8741

**Sheldon**

Compass Pointe  
1201 South Second Ave. #2  
Sheldon, IA 51201  
(712) 324-2196

Seasons Center for Behavioral Health  
604 Park Street  
Sheldon, IA 51201  
(800) 242-5101

**Spencer**

Compass Pointe  
1900 Grand Avenue North, Suite A  
Spencer, IA 51301

Seasons Center for Behavioral Health  
201 East 11<sup>th</sup> Street  
Spencer, IA 51301  
(800) 242-5101

**Spirit Lake**

Compass Pointe  
710 Lake Street, Suite 2  
Spirit Lake, IA 51360  
(712) 336-5281

Seasons Center for Behavioral Health  
2301 Highway 71  
Spirit Lake, IA 51360  
(800) 242-5101

**Shade of the Tree**

1703 Hill Ave. (Lake Street Entrance)  
PO Box 43  
Spirit Lake, IA 51360  
(712) 330-9140

## **Buena Vista University Policies and Disciplinary Sanctions**

Students and employees of Buena Vista University who engage in the unlawful manufacture, possession, use, or distribution of illicit drugs, or drug-related paraphernalia, or who provide controlled substances to others, will be subject to disciplinary sanctions by the University, as well as to any criminal penalties that might be levied by the courts.

Students and employees of Buena Vista University who possess or consume alcohol while not of legal age, or who provide alcohol to persons under the legal age in violation of national or Iowa, or other relevant, state law, or who are or appear to be under the influence of alcohol in any public area of the Storm Lake campus, or on property used by the University such as classrooms at BVU Graduate and Professional Studies, or as part of any university-sanctioned activities, will be subject to disciplinary sanctions by the University.

## **Buena Vista University Drug Policy**

The University considers the use, possession, distribution, sale or manufacture of illicit drugs or drug-related paraphernalia as contrary to the welfare of the University community and strictly prohibits such activities.

### ***Sanctions for violations of the Drug Policy:***

#### **1. Use or possession:**

A student or employee who uses or possesses illegal drugs or drug-related paraphernalia will be subject to disciplinary action up to and including immediate suspension expulsion or discharge from Buena Vista University.

#### **2. Manufacture, distribution and/or sale:**

A student or employee who manufactures, distributes or sells illicit drugs or drug-related paraphernalia will be subject to immediate suspension, expulsion or discharge from Buena Vista University.

## **Buena Vista University Alcohol Policy**

Buena Vista University supports the laws of the State of Iowa and of all states in which it operates and the expressed intent of any policy pertaining to the use of alcohol at the BVU Storm Lake campus and BVU Graduate and Professional Studies locations is to be consistent with all relevant local, state and federal laws and regulations. Employees, students and visitors to Buena Vista University will be required to obey the laws and regulations of the University, understanding that these laws and regulations are made with respect for the common good.

This policy applies to the Buena Vista University Storm Lake campus, BVU Professional Online Studies, and events and activities sponsored or sanctioned by Buena Vista University. Any and all questions of definition and/or classification regarding adherence to the Drug and Alcohol Policy will be determined by the Office for Student Affairs.

All alcohol consumed outside a student's residence hall room must be served by the University food service under their license. Such authorization shall result from negotiations between the food service vendor and the president of the University, or his/her designee. Open containers of alcohol provided by the University food service must be kept in the space in which the alcohol is served. Alcoholic beverages may not be served or consumed in any public space on property, unless authorized by the president of the University, or his/her designee.

Students of legal drinking age, who choose to consume alcohol, are expected to behave in a mature and responsible manner. Any student whose inappropriate behavior (as defined by the Code of Conduct) on

the Buena Vista University Storm Lake campus, or on property used by the University, is perceived to be directly related to alcohol consumption may be disciplined for said behavior and, in addition, may be subject to the sanctions for violations of this Alcohol Policy as well.

Measures or activities designed to circumvent the intent of this policy or the laws and regulations of the State of Iowa, or, for University-sanctioned activities outside of the State of Iowa, the relevant state or local laws and regulations, will not be tolerated. This policy is not intended to be, and is not, a comprehensive statement of applicable laws. This rule prohibits, but is not limited to, the following.

- a. Possession of alcoholic beverage containers by anyone under the age of 21.
- b. Misrepresentation of age or identity for the purpose of obtaining alcohol or consuming alcohol.
- c. Possessing or consuming alcoholic beverages while under the age of 21.
- d. Providing alcoholic beverages to persons under the age of twenty-one (21).
- e. Possessing and/or consuming from a common source of alcohol (kegs, punch bowls).
- f. Intoxication: defined as behaviors, which exhibit impairment due to consumption of alcohol or other drugs.
- g. Participating in or being in the presence of activities (e.g. drinking games including but not limited to beer pong, water pong, flip cup, kings cup, spades, quarters) that promote and encourage the consumption of alcohol regardless of the age of the participants.
- h. Possession of open containers of alcohol anywhere on campus with the exception of within a legal-aged student's private on-campus residence or at a specific University sponsored event. An open container is defined as any can or bottle where the seal has been broken or any secondary container that contains alcohol (whether covered or not).
- i. Possession of open containers of alcohol in the residence hall hallways, lounges, study rooms or other common areas (laundry room, bicycle storage area, etc.). Consumption of alcoholic beverages may only occur in the residence room where at least one (1) resident is of legal age and present.
- j. Possession of any alcohol available in a can (i.e. beer) in its bottled form, unless served by the University food service vendor.
- k. Possession of alcohol in containers larger than a gallon provided by non-licensed vendor.
- l. Possession of alcohol in excess of one 30 pack (12 oz. cans) of beer or more than one 1.75 liter bottle of alcohol per legal aged student is prohibited and will be confiscated.
- m. Possession of liquor in excess of 100 proof or possession of beer/malt beverages in excess of 9% alcohol by volume on campus or in any University owned or operated facility or property.
- n. Possessing or consuming, regardless of a person's age, caffeinated alcoholic drinks (*including but not limited to Four Loko, Sparks, Joose, Spykes, 27/7, 3Sum, Tilt, and Torque*)

- o. Punch party: defined as any activity that includes the possession, distribution or consumption of uncontrolled mixtures of alcoholic beverages.
- p. Possession, consumption, and/or distribution of alcoholic beverages during ACES performances or lectures.
- q. Solicitation (for example, advertising) of alcoholic beverages or their consumption, including any items placed in campus mail, campus email, mailboxes, or sidewalk chalk. Note: Advertisements on any official campus radio station (e.g., KBVU), on any official campus television station (e.g., University Cable Network), or in any official campus newspaper (e.g., The Tack) are not covered by this provision. Any solicitations or other materials received via U.S. Mail from outside vendors are not covered by this provision.

## **Student Sanctions for Violations of the Alcohol Policy**

The Student's conduct history and previous record are taken into account when determining the right educational plan for that student. The following represents likely sanctions and conditions students will receive as a result of violating the University alcohol policy.

### **First Violation**

- Disciplinary probation for 6 months
- \$75 Educational fee
- Attendance at an alcohol education class
- Parental notification

### **Second Violation (while on probation)**

- Disciplinary probation for 1 year
- \$125 Educational fee
- Campus service restitution: 20 hours
- Possible revocation of residential student privileges (weekend suspension or visitation restrictions)
- Possible removal from University housing
- Parental notification and meeting
- Alcohol Assessment at a licensed facility

### **Third Violation (while on probation)**

- Suspension from the University for a minimum of 1 semester and/or reduction in institutional scholarship
- Parental notification and meeting
- Successful completion of off campus substance abuse treatment program

Students should be aware that any official disciplinary sanctions will result in a deduction of points for the room draw process.

## **Expenditure of Fines Collected for Violations of the Alcohol Policy**

The Office of Student Affairs will determine how funds in the alcohol fine account will be spent. Typically, these funds are allocated for substance prevention and/or programming efforts throughout the campus community.

## **Employee Sanctions for Violations of the Drug and Alcohol Policies**

In accordance with the Drug-Free Workplace Act, Buena Vista University prohibits the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance on university premises, or on property used by the University. Such activities are unlawful and may adversely affect employee's safety, health, and longevity and can seriously impair their performance. In addition, such use constitutes a potential danger to the security and welfare of their employees and exposes the University to the risk of fines and property loss. Accordingly, it is our policy that the possession or sale of these items by an employee on the premises, or on property used by the University, will make the employee subject to discipline, up to and including immediate termination. Also, an employee reporting to work, or who is at work, under the influence of intoxicants may be subject to termination for the first offense.

Any employees who become aware of another employee selling, purchasing, transferring, or using intoxicants while on the job is expected to take prompt action to report the circumstances to his/her supervisor. The supervisor will evaluate the circumstances and determine the appropriate disciplinary actions. Failure to notify of this activity may result in disciplinary proceedings.

Employees, who are using drugs in accordance with medical purposes, when such drug usage may impair their work performance, should consult with their supervisor. If the medication affects the employee's work, arrangements may be made for the employee to have the necessary time off. This will be handled on a case-by-case basis.

Any employee with a criminal drug statute conviction for a violation occurring in the workplace must notify the supervising vice president and the vice president for business services no later than five days after the conviction.

The vice president for business services will notify the appropriate federal funding agency within ten (10) days after receiving notice of such a conviction.

The University will take one of the following actions within 30 days of receiving notice that an employee has been convicted of violating a criminal drug statute while on university property:

- a. Appropriate personnel action against such an employee, up to and including termination.
- b. Requiring the employee to participate satisfactorily in a drug rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency.

*Additional information as required will be distributed by means of separate materials and copies of such materials can be obtained at the Human Resources Office.*

## ***Appendix***

### **Legal Sanctions Under Applicable Federal, State and Local Laws for the Unlawful Possession, Use or Distribution of Illicit Drugs**

<p>This description does not list all substances for which possession, use or distribution is prohibited by federal, state or local law; it does summarize many of the substances considered illicit. It should not be relied upon as providing legal advice or interpretation of the law.</p>
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#### **Unlawful Possession of a Controlled Substance**

##### ***Federal Penalties and Sanctions***

**21 U.S.C. 844(a): 1st conviction:** Up to one year imprisonment and fined at least \$1,000 but not more than \$100,000, or both.

**After one prior drug conviction:** At least 15 days in prison, not to exceed two years and fined at least \$2,500 but not more than \$250,000, or both.

**After two or more prior drug convictions:** At least 90 days in prison, not to exceed three years and fined at least \$5,000 but not more than \$250,000, or both.

**Special Sentencing provisions for possession of crack cocaine:** Mandatory at least five years in prison, not to exceed 20 years and fined up to \$250,000, or both if:

- (a) 1st conviction and the amount of crack possessed exceed five grams.
- (b) 2nd crack conviction and the amount of crack possessed exceed three grams.
- (c) 3rd or subsequent crack conviction and the amount of crack exceeds one gram.

**21 U.S.C. 853 (a)(2) and 881 (a)(7):** Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than one year imprisonment. (See special sentencing provisions re: crack)

**21 U.S.C. 881(a)(4):** Forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance.

**21 U.S.C. 844a:** Civil fine of up to \$10,000 (pending adoption of final regulations).

**21 U.S.C. 853a:** Denial of Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to one year for first offense, up to five years for second and subsequent offenses.

**18 U.S.C. 922(g):** Ineligible to receive or purchase a firearm.

**Miscellaneous:** Revocation of certain Federal licenses and benefits, e.g. pilot licenses, public housing tenancy, etc., are vested within the authorities of individual Federal agencies.

### ***State of Iowa and Local Penalties and Sanctions***

**Definition:** It is unlawful for any person knowingly or intentionally to possess a controlled substance unless such substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his/her professional practice, or except as otherwise authorized by this chapter. Any person who violates this subsection is guilty of a serious misdemeanor. If the controlled substance is marijuana, the punishment shall be by imprisonment in the county jail for not more than one year or by a fine of not more than \$1,875, or both. All may be suspended and the person placed on probation upon such terms and conditions as the courts may impose including treatment, rehabilitation or education programs approved by the court.

#### **Penalty:**

- A. Controlled substance - not marijuana - serious misdemeanor (imprisonment not to exceed one year, or a fine not to exceed \$1,000, or both.)
- B. Marijuana - serious misdemeanor (imprisonment not to exceed six months, or a fine not to exceed \$1,000, or both.)

**CONTROLLED SUBSTANCES ACT**

**Federal Trafficking Penalties—Marijuana\***

As of November 20, 2014

DESCRIPTION	QUANTITY	1ST OFFENSE	2ND OFFENSE
<b>Marijuana</b>	1,000 kg or more mixture: or 1,000 or more plants	<ul style="list-style-type: none"> <li>• Not less than 10 years, not more than life.</li> <li>• If death or serious injury, not less than 20 years, not more than life.</li> <li>• Fine not more than \$10 million individual, \$50 million other than individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not less than 20 years, not more than life.</li> <li>• If death or serious injury, life imprisonment.</li> <li>• Fine not more than \$20 million individual, \$75 million other than individual</li> </ul>
<b>Marijuana</b>	100 kg to 999 kg mixture: or 100-999 plants	<ul style="list-style-type: none"> <li>• Not less than 5 years, not more than 40 years.</li> <li>• If death or serious injury, not less than 20 years, not more than life.</li> <li>• Fine not more than \$5 million individual, \$25 million other than individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not less than 10 years, not more than life.</li> <li>• If death or serious injury, life imprisonment.</li> <li>• Fine not more than \$8 million individual, \$50 million other than individual.</li> </ul>
<b>Marijuana</b>	Less than 50 kg mixture or 1-49 plants	<ul style="list-style-type: none"> <li>• Not more than 20 years.</li> <li>• If death or serious injury, not less than 20 years, not more than life.</li> <li>• Fine \$1 million individual, \$5 million other than individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not more than 30 years.</li> <li>• If death or serious injury, life imprisonment.</li> <li>• Fine \$2 million individual, \$10 million other than individual</li> </ul>
<b>Hashish</b>	10 kg or less		
<b>Hashish Oil</b>	1 kg or less		
<b>Marijuana</b>	Less than 50 kg mixture or 1-49 plants	<ul style="list-style-type: none"> <li>• Not more than 5 years.</li> <li>• Fine not more than \$250,000, \$1 million other than individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not more than 10 years.</li> <li>• Fine \$500,00 individual, \$2 million other than individual</li> </ul>
<b>Hashish</b>	10 kg or less		
<b>Hashish Oil</b>	1 kg or less		

\*Includes Hashish and Hashish Oil

## Federal Trafficking Penalties\*

CSA	2 <sup>ND</sup> OFFENSE	1 <sup>ST</sup> OFFENSE	QUANTITY	DRUG	QUANTITY	1 <sup>ST</sup> OFFENSE	2 <sup>ND</sup> OFFENSE
<b>I AND II</b>	Not less than 10 years. Not more than life	Not less than 5 years. Not more than 40 years	5-49 gm pure or 50-499 gm mixture	<b>Methamphetamine</b>	50 gm or more pure or 500 gm or more mixture	Not less than 10 years. Not more than life	Not less than 20 years. Not more than life
	If death or serious injury, not less than life	If death or serious injury, not less than 20 years or more than life.	100-999gm mixture	<b>Heroin</b>	1 kg or more mixture	If death or serious injury, not less than 20 years or more than life	If death or serious injury, not less than life
	Fine of not more than \$8 million individual, \$50 million other than individual	Fine of not more than \$5 million individual \$25 million other than individual	500-4999 gm mixture	<b>Cocaine</b>	5 kg or more mixture	Fine of not more than \$10 million individual \$50 million other than individual	Fine of not more than \$20 million individual. \$75 million other than individual
			28-279 gm mixture	<b>Cocaine Base</b>	280 gm or more mixture		
			10-99 gm pure or 100-999 gm mixture	<b>PCP</b>	100 gm or more pure or 1 kg or more mixture		
			1-9 gm mixture	<b>LSD</b>	10 gm or more mixture		
			40-399 gm mixture	<b>Fentanyl</b>	400 gm or more mixture		
			10-99 gm mixture	<b>Fentanyl Analogue</b>	100 gm or more mixture		

	DRUG	QUANTITY	1 <sup>ST</sup> OFFENSE	2 <sup>ND</sup> OFFENSE
	<b>OTHERS</b> (Law does not include marijuana, hashish, or hash oil)	<b>ANY</b>	<ul style="list-style-type: none"> <li>Not more than 20 years</li> <li>If death or serious injury, not less than 20 years, not more than life</li> <li>Fine \$1 million individual. \$5 million not individual.</li> </ul>	<ul style="list-style-type: none"> <li>Not more than 30 years</li> <li>If death or serious injury, life</li> <li>Fine \$2 million individual. \$10 million not individual</li> </ul>
<b>III</b>	<b>ALL</b> (Includes anabolic steroids as of 2-27-91)	<b>ANY</b>	<ul style="list-style-type: none"> <li>Not more than 10 years</li> <li>If death or serious injury, not more than 15 years</li> <li>Fine not more than \$500,000 individual. \$2.5 million not individual</li> </ul>	<ul style="list-style-type: none"> <li>Not more than 20 years</li> <li>If death or serious injury, not more than 30 years</li> <li>Fine not more than \$1 million individual. \$5 million not individual</li> </ul>
<b>IV</b>	<b>ALL</b>	<b>ANY</b>	<ul style="list-style-type: none"> <li>Not more than 5 years.</li> <li>Fine not more than \$250,000 individual \$1 million not individual</li> </ul>	<ul style="list-style-type: none"> <li>Not more than 10 years</li> <li>Fine not more than \$500,000 individual. \$2 million not individual</li> </ul>
<b>V</b>	<b>ALL</b>	<b>ANY</b>	<ul style="list-style-type: none"> <li>Not more than 1 year.</li> <li>Fine not more than \$100,000 individual. \$250,000 not individual</li> </ul>	<ul style="list-style-type: none"> <li>Not more than 2 years</li> <li>Fine not more than \$200,000 individual. \$500,000 not individual</li> </ul>

**PENALTIES UNDER IOWA LAW FOR MANUFACTURING, DELIVERING, OR POSSESSING WITH THE INTENT TO DELIVER A CONTROLLED SUBSTANCE, A COUNTERFEIT SUBSTANCE OR A SIMULATED CONTROLLED SUBSTANCE**

**Special Class “B” Felony §124.401 (1)(a)** Not more than 50 years and a fine of not more than \$1 million

LSD	greater than 10 g
Cocaine Base “Crack”	greater than 50 g
Cocaine	greater than 500 g
PCP (pure)	greater than 100 g
PCP (mixed)	greater than 1 kg
Heroin	greater than 1 kg
Marijuana	greater than 1,000 kg
Methamphetamine/Amphetamine	greater than 5 kg

**Special Class “B” Felony §124.401 (1)(b)** Not more than 25 years, a fine of not less than \$5,000 but not greater than \$100,000<sup>1</sup>

LSD	not greater than 10 g
Cocaine Base “Crack”	greater than 10 g but not over 50 g
Cocaine	greater than 100 g but not over 500 g
PCP (pure)	greater than 10 g but not over 100 g
PCP (mixed)	greater than 100 g but not over 1 kg
Heroin	greater than 100 g but not over 1 kg
Marijuana	greater than 100 kg but not over 1000 kg
Methamphetamine/Amphetamine	greater than 5 g not over 5 kg

**Special Class “C” Felony §124.401 (1)(c)** Not more than 10 years, a fine of not less than \$1,000 but not greater than \$50,000<sup>1</sup>

Cocaine Base “Crack”	less than or equal to 10 g
Cocaine	less than or equal to 100 g
PCP (pure)	less than or equal to 10 g
PCP (mixed)	less than or equal to 100 g
Heroin	less than or equal to 100 g
Marijuana	greater than 50 kg not greater than 100 kg
Methamphetamine/Amphetamine	less than or equal to 5 g
Other schedule I, II, III substances <sup>3</sup>	Any amount

**Special Class “D” Felony §124.401 (1)(d)** Not more than 5 years and a fine not less than \$1,000 but not greater than \$5,000<sup>1</sup>

Marijuana	less than 50 kg
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**Aggravated Misdemeanor §124.401 (1)(d)**

Not more than 2 years or a fine of not less than \$500 but not more than \$5,000 or both

Schedule IV and V substances <sup>4</sup>	Any amount
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**Special Class Ser. Misdemeanor §124.410**

Not more than 6 months or a fine of not more than \$1,000 or both<sup>2</sup>

Marijuana	less than or equal to 1 oz.
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<sup>1</sup> Note that the Iowa Supreme Court has determined that the minimum fines set out for violations of §124.401(1) may be suspended or deferred under chapter 907 of the Iowa Code. *State v. Grey*, 514 N.W.2d 78 (Iowa 1994). All or part of sentence for §124.401 may be suspended per §124.401(5). *State v. Lee*, 561 N.W.2d 353 (Iowa 1997). *State v. Sandifer*, 570 N.W.2d 256 (Iowa App. 1997).

<sup>2</sup> This is the accommodation offense. It only included delivery and possession with interests to deliver less than or equal to 1 ounce of marijuana. Manufacturing marijuana is not included. An offender under this subsection is sentenced as if convicted of §124.401(5) (possession of marijuana).

<sup>3</sup> Examples of other Schedule I, II and III controlled substances include mescaline, morphine, fentanyl, hashish, hashish oil, methaqualone, Seconal, Nembutal.

<sup>4</sup> Examples of Schedule IV and V controlled substances include phenobarbital, Tylenol with codeine, meprobamate, Valium and ephedrine.

### **Aggregation of Weights**

Iowa Code §124.401(2)

If the same person commits two or more acts which are in violation of §124.401(1) and the acts occur in approximately the same location or time period so that the acts can be attributed to a single scheme, plan or conspiracy, the acts may be considered a single violation and the weight of the controlled substances involved may be combined for purposes of charging the offender and enhancing the criminal penalties. This is done at the discretion of the prosecutor. State v. Robinson, 506 N.W.2d 769 (Iowa 1993).

### **Firearm and Offensive Weapon Enhancement**

Iowa Code §124.401(1)(c) and (l)

If the immediate possession of a firearm while participating in a violation of §124.401(1), the penalty shall be two times the term otherwise imposed or granted. If in the immediate possession or control of an offensive weapon while participating in a violation of §124.401(1), the penalty shall be three times the term imposed by law. A judgment or sentence under the firearm or offensive weapon enhancement cannot be deferred or suspended. State v. Goodson, 503 N.W.2d 395 (Iowa 1993).

### **School or Public Recreation Zone Enhancement**

Iowa Code §124.401A and §124.401B

If convicted of distributing or possessing with the intent to distribute a Schedule I, II or III controlled substance (includes both a counterfeit and a simulated controlled substance) to a person 18 years or older, and the offense is within 1000 feet of a public or private elementary or secondary school, public park, public swimming pool, public recreation center, or on a marked school bus, then the offender may be sentenced to an additional term of 5 years. (§124.401A). If convicted of possessing a Schedule I, II, or III controlled substance (includes a simulated controlled substances, but the “counterfeit substance” language was omitted from the statute) and the offense is within 1000 feet of a public or private elementary or secondary school, public park, public swimming pool, public recreation center, or on a marked school bus, then the offender may be sentenced to an additional penalty of 100 hours of community service work for a public agency or a nonprofit charitable organization. (§124.401B)

### **Manufacturing Methamphetamine in Presence of a Minor**

Iowa Code §124.401C

If someone 18 years or older manufactures methamphetamine 1) in the physical presence of a minor; 2) at the residence of a minor; 3) in the building where a minor might reasonably be present; 4) in a public accommodation (hotel, motel, etc.); or 5) in a multi-unit dwelling (apartment, condo, duplex, etc.), they shall be sentenced to an additional 5 years imprisonment.

### **Second or Subsequent Offenses**

Iowa Code §124.411(1)

If previously convicted of any state or federal drug statute, and subsequently convicted under Chapter 124, that person may be imprisoned for a period not to exceed three times the term otherwise authorized, or that person may be fined not more than three times the amount otherwise authorized, or both. The enhancement may be less than the triple amount and it also multiplies any other enhancements (such as the firearm enhancement) that may be imposed. State v. Rodgers, 560 N.W.2d 585 (Iowa 1997). Does not apply to violations of §124.401(5).

### **Mandatory Minimum Sentence**

Iowa Code §124.413

(In reality of a limitation on eligibility for parole) A person sentenced pursuant to §124.401(1)(a),(b),(c),(e) or (f) shall not be eligible of parole until the person has served a minimum period of confinement of one-third of the maximum indeterminate sentence prescribed by law. This provision does not apply to marijuana, Schedule IV or V controlled substances under 124.401(1)(d). If this is a first offense under §124.413, the court may, at its discretion, sentence the person to a term less than provided for by statute if mitigating circumstances exist and those circumstances are stated specifically on the record. (See §901.10) Probation is still a possibility. State v. Farley, 351 N.W.2d 537 (Iowa 1989); State v. Draper, 457 N.W.2d 600 (Iowa 1990); Kinnersley v. State, 494 N.W.2d 698 (Iowa 1993).

### **Reconsideration of Felony Sentence**

Iowa Code §902.4

The District Court retains jurisdiction for a period of ninety (90) days to reconsider a felon's sentence (other than a Class A felony or for which a mandatory minimum is imposed). The Court shall not disclose its decision to reconsider or not to reconsider until the date reconsideration is ordered, or the 90 day period for reconsideration is past. If an individual is sentenced for a violation of §124.401 and §124.413, he would not be eligible for reconsideration. State v. Canas, N.W.2d (Iowa 1997). However, if it is a first offense and the mandatory minimum is not imposed (see above), then the Court may reconsider.

### **Commitment for Treatment**

Iowa Code §124.409(2)

When someone is charged under §124.401 and then consent thereto, or upon a conviction of §124.401, the Court may find that someone is addicted to, dependent upon, or a chronic abuser of controlled substances, and the Court may order commitment for treatment and rehabilitation or education program. If first offense, sentence may be deferred. (See §124.409)

### **Possession of a Controlled Substance**

Iowa Code §124.401(5)

Possession of any controlled substance, except marijuana, is a serious misdemeanor with imprisonment up to one year and a fine of at least \$250, but not more than \$1,500.<sup>5</sup> Maximum penalty for possession of marijuana is imprisonment for six months and a \$1,000 fine. All or part of the sentence may be suspended and the person placed on probation, with conditions that may include participation in a drug treatment, rehabilitation or education program. If first offense, sentence may be deferred. (See §124.409)

### **Distribution to Minors**

Iowa Code §124.406

- 1) If someone 18 years or older distributes or possesses with the intent to distribute a Schedule I or II controlled substance to someone under 18 years, the offense is a Class "B" Felony and the person shall serve a minimum 5 years. If it is a counterfeit or a simulated controlled substance, then no minimum 5 years. However, in either case, if the offense occurs within a school or public recreation zone, then the person shall serve a minimum 10 years.
- 2) If someone 18 years or older distributes or possesses with the interest to distribute a Schedule III controlled substance (includes a counterfeit or a simulated controlled substance) to someone under 18 years and there is 3 or more years difference, the offense is a Class "C" felony.<sup>5</sup>
- 3) If someone 18 years or older distributes a Schedule IV or V controlled substance (includes a counterfeit or a simulated controlled substance) to someone under 18 years

and there is 3 more or years difference, the offense is an Aggravated Misdemeanor. <sup>5</sup>  
NOTE: This subsection does not include possession with intent to distribute.

- 4) If someone delivers a controlled substance to another in order to act with, enter into a common scheme or design with, conspire with, or recruit that other person to deliver any Schedule I, II, III, IV or V controlled substance to someone under 18 years, the offense is a Class “D” Felony. <sup>5</sup>
- 5) A court sentencing a person for the first time under §124.406 may at its discretion, sentence the person to a term less than provided for by statute if mitigating circumstances exist and those circumstances are stated specifically on the record. (See §901.10)

### **Recruitment of Minors**

Iowa Code §124.406A

If someone 18 years or older conspires with or recruits someone under 18 years to deliver or manufacture a Schedule I through IV controlled substance, the offense is a Class “C” Felony.

### **Gatherings where Controlled Substances Unlawfully Used**

Iowa Code §124.407

It is unlawful for any person to sponsor, promote or aid, or assist in a meeting, gathering, or assemblage with the knowledge or intent that a controlled substance be distributed, used or possessed there. If it is anything other than marijuana, it is a Class “D” Felony. If it is marijuana, it is a Serious Misdemeanor. Injunctions may also be issued.

### **Date Rape Drug Penalties**

Iowa Code §709.4(3)

It is Sex Abuse in the Third Degree (a Class “C” Felony) when an individual performs sex act on a person who is under the influence of a controlled substance, including flunitrazepam (Rohypnol), and 1) the controlled substance was consumed without the victim’s knowledge, 2) the controlled substance prevents the victim from consenting, and 3) the accused knows or should reasonable know that the victim is under the influence of the controlled substance.

### **Gamma-Hydroxybutyrate (GHB)**

Iowa Code §126.23

Unless covered by a legitimate prescription, it is unlawful to possess gamma-hydroxybutyrate (an Aggravated Misdemeanor). Furthermore, it is an Aggravated Misdemeanor to distribute or possess with the intent to distribute gamma-hydroxybutyrate when it is intended to promote its unlawful use, or it is known that the other will use it for unlawful purposes.

For most offenses which do not have a specific penalty provided for, the legislature has imposed minimum fines, which cannot be suspended if the offense is a misdemeanor. If the offense is a Class “C” or a Class “D” felony, and the court chooses to impose a fine, it must impose a fine of at least \$500. This amendment to chapters 902 and 903 could be subject to differing interpretations.

### **Drug Paraphernalia**

Iowa Code §124.414

1. a. As used in this section, “*drug paraphernalia*” means all equipment, products, or materials of any kind used or attempted to be used to combination with a controlled substance, except those items used in combination with the lawful use of a controlled substance, to knowingly or intentionally and primarily do any of the following:
  - (1) Manufacture a controlled substance.

- (2) Inject, ingest, inhale, or otherwise introduce into the human body a controlled substance.
  - (3) Test the strength, effectiveness, or purity of a controlled substance.
  - (4) Enhance the effect of a controlled substance.
- b. “Drug paraphernalia” does not include hypodermic needles or syringes if manufactured, delivered, sold, or possessed for a lawful purpose.
- 2. It is unlawful for any person to knowingly or intentionally manufacture, deliver, sell, or possess drug paraphernalia.
  - 3. A person who violates this section commits a simple misdemeanor.

## Operating While Intoxicated or Drugged: Iowa's OWI Laws

*The following information is taken from the Iowa Code. These laws and sanctions were in effect July 1, 2014.*

It is unlawful to operate a motor vehicle in Iowa in either of the following conditions:

- 1. While under the influence of an alcoholic beverage or other drug or combination of such substances.
- 2. While having an alcohol concentration of .08 or more.
- 3. While having a blood alcohol content of .02 and under 21 years of age.

Iowa's implied consent law means that all drivers automatically consent to a chemical test of the blood, breath, or urine, to determine their alcohol concentration or presence of drugs. Before requesting such a test, a peace officer must have reasonable grounds for believing the person was operating under the influence.

### Criminal Penalties for OWI

**First Offense:** A serious misdemeanor, punishable by up to one year in the county jail or a fine of \$1,250 minimum or both. If any jail time is given, it must be at least 48 hours. As an alternative to a portion or all of the fine, the court may order the person to perform not more than 200 hours of unpaid community service.

**Second Offense:** An aggravated misdemeanor, punishable by up to two years in prison or a fine ranging from \$1,875 to \$6,250. A minimum of seven days confinement is mandatory. (The court cannot defer judgment or sentence and cannot suspend the minimum of seven days.)

**Third or Subsequent Offense:** Class D felony, punishable by imprisonment up to five years, not less than 30 days, or such imprisonment and a fine ranging from \$3,125 to \$9,375. (The court cannot defer judgment or sentence and cannot suspend the minimum of 30 days.)

*Note: OWI convictions and deferred judgments that occurred within the last 12 years will count in determining whether the offense charged is a second, third or subsequent offense.*

The court may also order the person to successfully complete a prescribed course for drinking drivers.

Any person with an alcohol concentration of .20 or higher or any person charged with a second or subsequent offense shall be ordered upon conviction to undergo a substance abuse evaluation and to follow any recommendations for treatment. This may include inpatient treatment. Time spent as an inpatient receiving such treatment shall be credited against the sentence. The person may also be required to attend a post treatment program.

## Driver's License Revocations

### Administrative:

1. When a chemical test indicates an alcohol concentration of .08 or more, and the person has had no OWI- related revocations in the last 12 years:..... 180 days revocations  
30 days hard suspension  
One or more revocations in the last 12 years ..... 1 year
2. When a person refuses to submit to a chemical test, and the person has had no previous OWI convictions or revocations in the last 12 years ..... 365 days revocation  
90 days hard suspension  
One or more revocations in the last 12 years ..... 2 years revocation  
1 year hard suspension

### Court ordered:

1. Upon conviction (No previous OWI convictions or revocations in the last 12 years)  
..... 180 days
2. Upon conviction (One or more previous OWI convictions or revocations in the last 12 years)  
..... 1 year
3. When the court defers judgment and no other revocation applies ..... 30 to 90 days
4. Upon a plea or verdict of guilty of a third or subsequent violation (However, after two years, the person may apply to the court for restoration of eligibility for a motor vehicle license)  
..... 6 years\*
5. If a person is responsible for an accident that causes serious injury to another (in addition to any other suspension or revocation) ..... 1 year
6. If a person is responsible for an accident that causes loss of life ..... 6 years

\*Effective July 1, 1991, the court shall also impound the registration certificate and license plates of all vehicles leased or owned by or registered to the person or the person and the person's spouse. These shall remain impounded until the person's license is reissued or reinstated. During the period of impoundment, special license plates may be obtained if certain conditions are met. Law enforcement officers may stop a vehicle bearing these special license plates at any time.

### Youthful Violators

Any driver under 21 who is stopped and test .02 Blood Alcohol contact will lose his/her driver's license for at least 60 days. No school or work driving permit will be allowed.

If a license or permit is revoked or denied under Sections 321J.4, 321J.9 or 321J.12, the license revocation shall remain in effect until the person reaches 18, or until the end of the revocation period, whichever is later.

### Civil Penalty for OWI

Upon a drunk driving related revocation of the license, the person will be assessed a civil penalty of \$200. No driver's license or permit of any type will be issued to the person until it is paid.

*For additional information, see CODE OF IOWA, Chapters 321J and 707*

## Blood Alcohol Concentration (%) Within One Hour

The following chart is only a guideline; how fast you drink, your mood, and the amount of food in your stomach may also affect your BAC. Driving ability is impaired at blood alcohol levels as low as .05% (one-half the legal limit.) For some people, EVEN ONE DRINK MAY BE TOO MANY!

Body Weight	1 Drink	2 Drinks	3 Drinks	4 Drinks	5 Drinks
100	.04	.09	.15	.20	.25
120	.03	.08	.12	.16	.21
140	.02	.06	.10	.14	.18
160	.02	.05	.09	.12	.15
180	.02	.05	.08	.10	.13
200	.01	.04	.07	.09	.12

*Figures are rounded to the nearest .01. BAC's shown are approximate, since they can be affected by factors other than weight.*

Most people don't know that beer and wine are just as potent as hard liquor; 12 ounces of beer, 5 ounces of wine and 1-1/2 ounces of 80 proof liquor all contain about the same amount of pure alcohol (ethanol) -- .6 ounces. **You do know...now!**

## Buena Vista University Smoking Policy

**Iowa Smokefree Air Act:** The Smokefree Air Act was signed into law by Governor Chet Culver on April 15, 2008. Effective July 1, 2008 smoking will be regulated in public places, places of employment, and certain outdoor areas. In accordance with the new law, smoking is now prohibited on all university property.

**Smokeless Tobacco:** In the interest of student health and commitment to preparing students for future professional lives, smokeless tobacco products are prohibited in classes, administrative offices, and at indoor, university-sponsored events. While smokeless tobacco is allowed in Residence Halls, users of these products are expected to exercise great responsibility and consideration. Smokeless tobacco waste should be disposed of in garbage receptacles; not in university plumbing, which includes showers, sinks and water fountains.

# Crime Statistics

The Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act mandates the manner in which statistics are to be collected and the format in which statistics are to be published.

OFFENSE	On Campus			Residential			Non-Campus			Public Property			TOTAL		
	YEAR 2014	YEAR 2015	YEAR 2016	YEAR 2014	YEAR 2015	YEAR 2016	YEAR 2014	YEAR 2015	YEAR 2016	YEAR 2014	YEAR 2015	YEAR 2016	YEAR 2014	YEAR 2015	YEAR 2016
<b>PRIMARY CRIMES</b>															
MURDER/Non-Negligent MANSLAUGHTER	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
MANSLAUGHTER by Negligence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
RAPE	3	4	3	3	4	3	0	0	1	0	0	0	3	4	4
FONDLING	0	2	4	0	1	3	0	0	2	0	0	0	0	2	6
INCEST	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
STATUTORY RAPE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ROBBERY	0	0	0	0	0	0	0	0	0	1	0	0	1	0	0
AGGRAVATED ASSAULT	1	3	0	0	2	0	3	0	0	0	0	0	4	3	0
BURGLARY	15	6	7	15	5	7	0	0	0	0	0	0	15	6	7
MOTOR VEHICLE THEFT	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1
ARSON	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>VIOLENCE AGAINST WOMEN ACT OFFENSES</b>															
STALKING	2	4	0	0	0	0	0	0	0	0	0	0	2	4	0
DOMESTIC VIOLENCE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DATING VIOLENCE	0	2	0	0	1	0	0	0	0	0	0	0	0	2	0
<b>** CRIMES REPORTED IN THE RESIDENTIAL FACILITIES CATEGORY ARE ALSO INCLUDED IN THE ON CAMPUS CATEGORY**</b>															

Buena Vista University had no reported Hate Crimes for the years 2014-2015. **Hate Crimes in 2016:** one non-campus intimidation incident characterized by racial bias

ARRESTS and REFERRALS	On Campus			Residential			Non-Campus			Public Property			TOTAL		
	YEAR 2014	YEAR 2015	YEAR 2016	YEAR 2014	YEAR 2015	YEAR 2016	YEAR 2014	YEAR 2015	YEAR 2016	YEAR 2014	YEAR 2015	YEAR 2016	YEAR 2014	YEAR 2015	YEAR 2016
LIQUOR LAW ARRESTS	0	1	0	0	1	0	0	0	0	2	0	1	2	1	1
LIQUOR LAW VIOLATIONS REFERRED	56	47	38	52	39	36	0	0	0	2	0	1	58	47	39
DRUG LAW ARRESTS	5	5	2	5	0	2	0	0	3	2	0	4	7	5	9
DRUG LAW VIOLATIONS REFERRED	0	5	0	0	4	0	1	0	0	0	0	0	1	5	0
ILLEGAL WEAPONS POSSESSION ARRESTS	0	1	0	0	0	0	0	0	0	0	0	0	0	1	0
ILLEGAL WEAPONS VIOLATIONS REFERRED	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>** CRIMES REPORTED IN THE RESIDENTIAL FACILITIES CATEGORY ARE ALSO INCLUDED IN THE ON CAMPUS CATEGORY**</b>															

REFERRED= referred for disciplinary action

Criminal offenses that manifest evidence of prejudice based on race, religion, sexual orientation, gender, disability or ethnicity and can be classified as Hate Crimes as prescribes by the Hate Crimes Statists ACT (28 U.S.C. 534).

# Definitions of Crimes

The following definitions are those outlined in the Federal Bureau of Investigation's National Incident-Based Reporting System and are used as the standard of reporting in the information above:

- **Murder:** The willful killing of one human being by another.
- **Negligent Manslaughter:** The killing of another person through gross negligence.
- **Sexual Assault:** The Violence Against Women Act (VAWA) defines sexual assault as: An offense that meets the definition of rape, sodomy, sexual assault with an object, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting program. Under Iowa law, sexual abuse is defined as any sex act committed against another by force, against the victim's will, or when the victim is unable to consent. Iowa law broadly defines "sex act" to include intercourse, oral or anal sex, or any contact between the genitals, hands, or fingers of one person and the genitals or anus of another. Violent sexual conduct may also be prosecuted as an assault (an act intended to cause pain, injury, or offensive physical contact, or place another in fear of pain or injury); for example, using any object to sexually penetrate another.
- **Robbery:** The taking, or attempted taking, of anything of value from one person by another, in which the offender uses force or the threat of violence.
- **Aggravated Assault:** An attack by one person upon another, in which the offender uses or displays a weapon in a threatening manner or the victim suffers severe injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
- **Burglary:** The unlawful entry into a building or other structure with the intent to commit a felony or a theft.
- **Motor-Vehicle Theft:** The theft of a motor vehicle, including automobiles, trucks, motorcycles and mopeds.
- **Arson:** To unlawfully and intentionally damage, or attempt to damage, any real or personal property by fire or incendiary device.
- **Domestic Violence:** The Violence Against Women Act (VAWA) defines Domestic Violence as 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;
  - 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.

Under Iowa law, "domestic abuse" means committing assault under any of the following circumstances:

- The assault is between family or household members who resided together at the time of the assault;
- The assault is between separated spouses or persons divorced from each other and not residing together at the time of the assault;
- 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;
- 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;
- The assault is between persons who are in an intimate relationship or have been in an intimate relationship and have had contact within the past year of the assault. In determining whether persons are or have been in an intimate relationship, the court may consider the following nonexclusive list of factors;
  - (a) The duration of the relationship;
  - (b) The frequency of interaction;
  - (c) Whether the relationship has been terminated;
  - (d) The nature of the relationship, characterized by either party's expectation of sexual or romantic involvement.

- **Dating Violence:** The Violence Against Women Act (VAWA) defines “dating violence” as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
  - The existence of such a relationship shall be determined by the victim with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship;
  - For the purpose of this definition,
    - a) Dating violence includes sexual or physical abuse or the threat of such abuse;
    - b) Dating violence does not include acts covered under the definition of domestic violence.
- **Stalking:** The Violence Against Women Act (VAWA) defines “stalking” as:
  - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
    - a) Fear for his or her safety or the safety of others; or
    - b) Suffer substantial emotional distress
  - Course of conduct means two or more acts, including but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.
    - a) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medial or professional treatment or counseling.
    - b) Reasonable person means a reasonable person in the victim’s circumstances.

Under Iowa law, a person commits stalking when all of the following occur:

- 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.
- **Liquor-Law Violation:** The violation of laws prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages. Does not include driving under the influence or drunkenness violations.
  - **Drug-Law Violation:** The violation of laws prohibiting the production, possession, distribution, and/or use of certain controlled substances and the equipment needed to produce or use them.
  - **Weapon-Law Violation:** The violation of laws prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, knives, explosives, or other deadly weapons.
  - **Larceny:** The unlawful taking, carrying, leading, or riding away with property from the possession or constructive possession of another.

# Annual Fire Report

## University Fire Safety Procedures

### Fire Safety

Fire safety is of utmost importance in the residence halls and on campus. The following acts are prohibited: recklessly, negligently or knowingly setting any material on fire; burning candles, incense or any open flame in the residence halls; causing a false fire alarm; creating a fire hazard or endangering the safety of persons or property by improper use or possession of hazardous/flammable substances; misuse of or tampering with fire prevention, control or detection equipment, and refusing to promptly comply with fire alarm or fire drill procedures. Due to the high probability of fire, halogen lamps are not allowed in any living area. When a false alarm is caused by an individual and the guilty party cannot be found, the residents of the living area will each share the cost of charges imposed by the Storm Lake Fire Department (currently \$165) and any other university costs related to clean-up. Students with information or knowledge of students responsible for causing a false fire alarm are expected to report that information to a university official immediately.

### Cooking

Since all resident students must be on a meal plan, the residence hall rooms are not designed for cooking. Ovens and refrigerators are available in the residence hall kitchenettes. Full-size refrigerators are prohibited in all residence hall and suite rooms. Refrigerators should not exceed five cubic feet or 1.5 amp. Cooking utensils with open flames, exposed heating coils or those that use cooking greases are not allowed. This includes grills used indoors, deep fryers, single burners, etc. Toasters, small microwaves, hotpots and hot air popcorn poppers are allowed if in good working condition. Cooking devices are to be unplugged when not in use. Outdoor grills should be used at least 10 feet away from any building. Propane tanks shall not be stored inside any residence hall. Storage of these containers can be arranged by contacting maintenance.

### Electrical Outlets

Electrical outlets must not be overtaxed. All extension cords should be in good condition and placed so that the wire will not be damaged.

### Description of Student Housing Fire Systems

Every University student residence has:

- An interior fire alarm system with detection throughout the building, including detectors in every sleeping room;
- An interior fire alarm panel which triggers a full first alarm response by Storm Lake Fire Department to the building upon activation; and
- Automatic wet sprinklers in all public corridors.

Please see page 54 for a list of all student residence halls, their fire suppression and detection systems, and fire drills conducted.

### Fire Safety Policies and Procedures

The information for evacuation procedures is posted on the inside of the room door of each residence hall room as well as inside the red Emergency Reference Guides placed strategically in residence halls as well as academic buildings, which specifies the type of building construction; instructions on what to do if the fire IS in the posted room or suite; and what to do if the fire IS NOT in the posted room or suite. In addition, every room contains a “You Are Here” floor diagram showing the location of exits on that floor.

The entire Residence Life Staff is required to attend a “Train the Trainer” fire safety class, which includes general fire safety training, roles and responsibilities of Residence Life Staff members, and evacuation procedures.

### Daily Fire Log

The Campus Security Office maintains and records a daily log of all Fires reported to campus authorities. The log includes crime information and is available upon request at the Campus Security Department.

## Fire Safety Precautions

- Keep doorways, corridors, and stairwells clear and unobstructed. Keep fire doors closed.
- Make sure that all electrical appliances and cords are in good condition and UL approved. Do not overload electrical outlets. Use fuse-protected multi-outlet power strips and extension cords when necessary.
- Never store flammable substances in your room or apartment. Unauthorized use of candles and live holiday decorations is not permitted in University buildings.
- Be aware that transmitting a false alarm is a criminal offense that endangers the lives of both building occupants and emergency personnel. It is also an offense to prop open fire doors or to tamper in any way with alarm equipment, electromagnetic locks, or other life safety devices or to block or obstruct paths of egress.

## What to do in Case of Fire

If you discover a fire in a campus building:

- Immediately pull the nearest fire alarm as you exit the building.
- When evacuating the building, remember to feel doors before opening them to be sure that there is no fire danger on the other side. If you must enter a smoke-filled room or hallway, stay low, keeping one hand on the wall to avoid disorientation and crawl to the nearest exit, keeping your head near the floor.
- Once you are safely away from danger dial 911 and/or Campus Security at (712) 749-2500. If the danger is past and you wish to report a fire related incident, you can report it to Campus Security, or the Vice President of Student Affairs/Dean of Students.
- Leave the building at once but stand by to direct emergency teams to the location of the fire.

## Fire Response Dos and Don'ts

- **DO** treat every alarm as an emergency. If an alarm sounds, exit the building immediately.
- **DON'T** assume that a fire alarm is a drill or test. All building alarm systems are tested as required by law, but these tests are announced in advance.
- **DO** remain in your room if you cannot get out of the building because of heat or smoke. Call Campus Security right away. Keep the door closed and await assistance from the Fire Department. If smoke is entering around the door, stuff the crack under the door with sheets, clothes, or blankets. If possible, open the window and wave a brightly colored garment or towel from your window—the Fire Department will be looking for this sign.
- **DO** close the door behind you if it is safe to leave your room.
- **DON'T** waste time collecting personal valuables. Take your keys so that you can reenter your room if exit from the building is not possible.
- **DON'T** use an elevator during a fire emergency: always use the fire stairs.
- **DO** make your presence known to other occupants and to Public Safety by telephone if you are injured or disabled. Emergency staff members will assist you in leaving the building.

## Plans for Future Improvements

All Buena Vista University buildings meet or exceed Storm Lake fire safety requirements. In addition, as the University renovates buildings, additional fire suppression and detection devices are included to bring our buildings above, or beyond, current requirements.

## Training

The entire Residence Life Staff is required to attend a “Train the Trainer” fire safety class, which includes general fire safety training, roles and responsibilities of Residence life Staff members, and evacuation procedures.

# RESIDENCE HALL EMERGENCY PROCEDURES

# PROCEDURES

## FIRE EVACUATION PROCEDURES

1. If you suspect a fire, pull the fire alarm and then immediately report the problem to the Residence Hall Staff.
2. If you hear an alarm at any time:
  - a. Close windows.
  - b. Put on hard soles shoes, dress for the weather, and grab a towel.
  - c. Check the door for heat before opening it by touching it. If the door is not hot, leave the building by the evacuation route. If the door is hot, do not open it. If the hallway is smoke-filled, do not leave your room. Close your door, fill the crack with wet towels, call 911 to report you are trapped, and go to the window to attract the attention of staff.
  - d. If your hallway is clear, vacate the building by the shortest, fastest route and gather at the designated living area meeting place, at least 50 feet from the building. Follow instructions of campus staff.
  - e. Return to building only after receiving proper notification.
3. Never use elevators during an alarm.
4. Make sure all guests know how to evacuate.
5. Any person failing to evacuate during an alarm will face campus judicial action.

## TORNADO PROCEDURES

1. In case of a tornado warning as notified by the civil defense siren or local TV/radio, go immediately to the lowest level of the building. Take a flashlight and portable radio if you have them.
2. Stay in hallways of inside rooms away from windows.
3. Remain until the all-clear signal is given or warning expires.
4. If you see a tornado approaching and do not have enough time to get to the lowest level, hide under a piece of heavy furniture or an inside hallway or closet, away from windows.

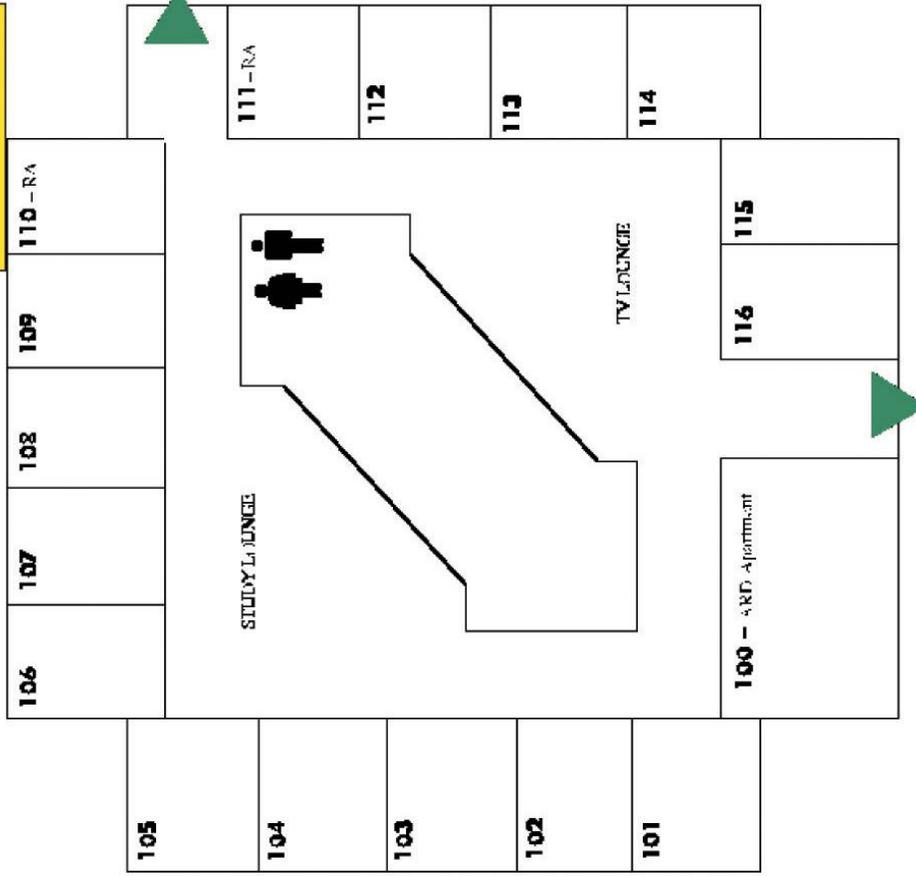
## TORNADO SHELTER AREAS

1. Grand and Liberty Halls: First-floor lounge or bathroom
2. Pierce and White Halls: Basement hallway
3. Swope Hall: Basement bike rack area, laundry, storage area
4. Suites: First-floor hallways or internal suite rooms without windows

## GRAND HALL - FIRST FLOOR

### GRAND HALL - First Floor

North Side of Building



**THIS NOTICE MUST BE PLACED IN YOUR ROOM AND REMAIN HERE AT ALL TIMES!**

# 2016 Statistics and Information Regarding Fires in BVU Residential Facilities

RESIDENCE HALL	Total Fires			Date	Number of injuries requiring treatment at medical facility			Number of deaths related to fire			Value of property damages caused by fire		
	2014	2015	2016		2014	2015	2016	2014	2015	2016	2014	2015	2016
Briscoe Hall	0	0	0		0	0	0	0	0	0	0	0	0
Constitution Hall	0	0	0		0	0	0	0	0	0	0	0	0
Grand Hall	0	0	0		0	0	0	0	0	0	0	0	0
Liberty Hall	0	0	0		0	0	0	0	0	0	0	0	0
McCorkle Hall	0	0	0		0	0	0	0	0	0	0	0	0
Pierce Hall	0	0	0		0	0	0	0	0	0	0	0	0
Swope Hall	0	0	0		0	0	0	0	0	0	0	0	0
White Hall	0	0	0		0	0	0	0	0	0	0	0	0

## Residence Hall Fire Safety Systems

RESIDENCE HALL	Fire Detection System	Fire Suppression System	Fire Extinguishers Present	Evacuation Plans and Placard	Number of Evacuation Drills Each Year
Briscoe Hall	Smoke Detectors	Full sprinkler system and fire extinguisher devices	Yes	Yes	2
Constitution Hall	Smoke Detectors	Full sprinkler system and fire extinguisher devices	Yes	Yes	2
Grand Hall	Smoke Detectors	Full sprinkler system and fire extinguisher devices	Yes	Yes	2
Liberty Hall	Smoke Detectors	Full sprinkler system and fire extinguisher devices	Yes	Yes	2
McCorkle Hall	Smoke Detectors	Full sprinkler system and fire extinguisher devices	Yes	Yes	2
Pierce Hall	Smoke Detectors	Full sprinkler system and fire extinguisher devices	Yes	Yes	2
Swope Hall	Smoke Detectors	Fire extinguisher devices	Yes	Yes	2
White Hall	Smoke Detectors	Full sprinkler system and fire extinguisher devices	Yes	Yes	2

# Emergency Communication, Response and Evacuation Procedures

The Emergency Operation Team (EOT) is responsible for coordinating Buena Vista University's (BVU) Emergency Response Plan. The EOT members' duties and responsibilities relate closely to their normal authority and functions. In the event of a crisis, however, coordination and organization of all operations at the University shall be directed by the EOT. The EOT members implement the strategy and planning of the response. They communicate with field personnel, issue instructions to particular units, and monitor progress in carrying out instructions.

The responsibilities of the EOT include but are not limited to:

- 1) Confirming an emergency exists and activating emergency response;
- 2) Identifying the emergency and determining its impact, decide the necessary level of response required to manage the emergency;
- 3) Exercise control over emergency operations and provide guidance on matters of policy and decision-making authority;
- 4) Authorize the evacuation and/or closing of University facilities as required;
- 5) Coordinate the release of all official information and instructions to the public.

In addition to their responsibilities in an emergency, the EOT members are responsible for insuring the University is prepared and in the best possible position to respond to an emergency when it occurs.

In the event of a crisis or possible crisis, the President or his/her designee would declare the need for the members of the EOT to convene and will contact all members of the EOT. This will be done in an expeditious manner consistent with the nature of the crisis or possible crisis. The EOT will confirm whether or not a significant emergency or dangerous situation exists. That determination will depend on the situation, its potential for escalation, its geographical extent, and all other relevant factors. The final determination as to whether a significant emergency and/or dangerous situation exists will be made by the President or his or her designee with input from other EOT members. Additional University personnel will be asked to join the EOT as deemed appropriate to the situation.

Once it has been confirmed that a significant emergency and/or dangerous situation exists, the University will without delay and taking into account the safety of the community, determine the content of the notification and initiate notification system unless notification will, in the professional judgment of responsible authorities, compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

The procedures to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to health or safety of students, employees or other members of the University community occurring on the campus shall be by utilizing BVU's mass notification system to notify the campus community. The University's mass notification system includes texting and email messaging, web-based pop-up screen referred to as "BVU Alert," and/or intercoms in each classroom. In addition, the University, as needed, will utilize the University campus security vehicle equipped with a PA system to broadcast emergency messages.

The Director of University Marketing and Communications or his/her designee shall be responsible for contacting local, state and federal officials, as reasonably required, upon confirmation of a significant emergency and/or dangerous situation. This should be done as quickly as possible using the best and fastest communication system available, given the facts and circumstances of the confirmed significant emergency and/or dangerous situation.

The University will test its emergency communication response and evacuation procedures at least on an annual basis and publicize its procedures in conjunction with at least one test per calendar year as well as the date of the exercise and whether it was announced or unannounced.

- May 3, 2016 Evacuation/Fire Alarm Drills – Unannounced
- September 6, 2016 Evacuation/Fire Alarm Drills – Unannounced
- December 1, 2016 Emergency Communication Test - Announced

A placard with location and evacuation information is available on the inside door of each residence hall. There are red emergency information guides installed strategically in all University buildings and common areas in residence halls with location maps and information on various emergencies as well as evacuation options. BVU will encourage all members of the University community to be familiar with this information.

The members of the Emergency Operation Team are as follows:

- President
- Vice President for Business Services
- Vice President for Student Affairs
- Vice President for Academic Affairs
- Vice President for Institutional Advancement
- Director of Campus Security
- Director of Facilities Management
- Director of Information Technology
- Director of University Marketing and Communications