

Buena Vista University 2025 Annual Security and Fire Safety Report

Prepared by the Department of Campus Security
Includes Crime Statistics for Calendar Years
2023, 2024, & 2025



Buena Vista
University

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Buena Vista University Annual Security and Fire Safety Report

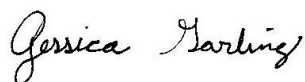
The Department of Campus Security is responsible for policy enforcement, security, and emergency response on the campus. The University Campus Security Department considers the campus quality of life an essential component of the learning environment, which we are trusted to protect. We are committed to this charge and focus all necessary attention towards its fulfillment. We value democratic process, integrity, cooperation, quality service, sensitivity, and consistency. We are committed to providing a safe environment for the students, staff, faculty, and visitors of the University. The department is under the leadership of the Director of Security, who reports to the Associate Dean for Student Success and the Director of Residence Life. Institutional Clery compliance initiatives are managed by the Director of Campus Security. The Director is responsible for coordinating the daily patrol, security operations, and activities of the department. The department is open and staffed 24 hours a day/ 7 days a week. The department includes a director, four full-time professional staff members, and two part-time staff members. In addition, the department has several student employees.

University Campus Security performs foot and vehicle patrols, campus escorts, and building patrols including interior and exterior patrols, manages life safety operations, parking enforcement, and work campus special events, as well as other pertinent security-related operations. The department is additionally responsible for fire safety, environmental, health, and all other safety concerns. The Director of Security or Designee is specifically assigned to Title IX investigations and violence prevention initiatives.

To be successful in providing the highest degree of safety services on campus, it is important that community members follow good safety practices and understand that safety is the responsibility of all community members, not just those officially and formally charged with enforcing the laws, policies, and rules. This includes using the escort service, locking your valuables, and reporting suspicious/criminal activities. The Department of Campus Security takes a leadership role in this area. This includes educational programs on campus safety, preventative patrols, incident investigation, crime reporting, and fire safety and prevention. Campus Security officers receive training in security and emergency care throughout the year. Campus Security officers are required to be trained in first aid, CPR, and the use of an AED machine. Staff are certified to carry pepper spray.

This publication is intended to provide information on educational programs, safety practices, crime statistics, and policies regarding the reporting of emergencies and campus crime rates. It is the primary objective of the Department of Campus Security to work collaboratively with campus community members in our collective efforts to continually enhance the safety of the campus environment, thereby affording opportunities for community members to work, live, study, and personally and professionally develop both intellectually and socially. Should you have questions, comments, or suggestions regarding the information contained within this publication or any related Campus Security policies, procedures, or operations, please feel free to contact the Director of Campus Security at (712) 749-2502.

Sincerely,



Jessica Garling
Buena Vista University
Director of Campus Security

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 need the cooperation and assistance of everyone at the University.

The Student Right to Know and Campus Security Act of 1990 was renamed the Jeanne Clery Disclosure of Campus Security and Crime Statistics Act, which was enacted by Congress and signed into law in November of 1990. Over the years, Congress has amended the law, expanding the reporting criteria. Most recently, in 2024, the Clery Act was renamed to the Jeanne Clery Campus Safety Act and makes hazing a Clery-reportable crime, requires hazing policies and prevention programs, and requires institutions to biannually publish a Campus Hazing Transparency Report.

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 University 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.

Preparation of Annual Disclosure of Crime Statistics and CLERY

The following information provides context for the crime statistics reported as part of compliance with the Clery Act. Buena Vista University Campus Security is primarily responsible for preparing the Annual Security and Fire Safety Report. This responsibility is specifically designated to the Director of Campus Security or designee. The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the campus community obtained from multiple sources, including law enforcement, Campus Security, and Campus Security Authorities.

A written request for statistical information is made at least on an annual basis to all Campus Security Authorities or CSAs (as defined by federal law). CSAs are also informed through online training to report crimes to Campus Security in a timely manner so those crimes can be evaluated for timely warning purposes. Alleged crimes reported to these Campus Security Authorities are to be reported to Campus Security to collect reports. A CSA is a Clery-specific term that encompasses four groups of individuals and organizations associated with an institution:

- A campus police department or a campus security department of an institution
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property)
- Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses

- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. An official is defined as any person who has the authority and the duty to act or respond to particular issues on behalf of the institution.

Statistical information is not requested from, nor is it provided by, Counselors, Clergy, and Health professionals who are performing that function and role as their employment with the University. Certified Counselors and Pastoral Counselors are not required by law to provide statistics for this compliance document. Although they are not obligated to report crimes for the purpose of compiling these statistics, they are encouraged, when they deem it appropriate, to inform the persons they are counseling of their ability to report any crimes to Buena Vista University Campus Security for inclusion in the annual statistics. These individuals facilitate anonymous reporting, as outlined in this Annual Security and Fire Safety Report.

All statistics are gathered, compiled, and reported to the campus community via this report, entitled the “Annual Security and Fire Safety Report,” which is published by Buena Vista Campus Security no later than October 1st of each year.

The statistical information gathered by the Department of Education is available to the public through its website. Buena Vista University Campus Security sends an email to every enrolled student and current employee on an annual basis informing them of the availability of the Annual Security and Fire Safety Report. A physical copy may be obtained by making a request to Buena Vista University Campus Security by calling 712-749-2500 or in person at the Campus Security Office in the Student Success suite at 610 West 4th Street. An electronic copy is also available to the public on the University's website.

Law Enforcement Authority

Buena Vista University's Campus Security is the office responsible for the safety and security of the campus community. Campus Security employees hold enforcement authority for university policies and procedures on university property. It's important to note that they are not sworn or commissioned law enforcement officers and therefore do not have the power to make arrests. Local law enforcement agencies hold primary arrest authority on campus and are called upon when an arrest is required. All on-duty security 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 ensures a safe and secure environment within the boundaries and jurisdiction of the University. Campus Security staff attend training programs specifically designed for security personnel.

The Campus Security Department works closely with the Storm Lake Police Department and encourages accurate and prompt reporting of all crimes to local police when the victim of a crime elects to, or is unable to, make such a report. Our institution does not have any written memoranda of understanding (MOU) or any other type of written agreement with any law enforcement agencies for the investigation of alleged criminal offenses. Our institution has communicated with local police, requesting their cooperation in informing the institution about situations reported to them that may warrant an emergency response. Local police communicate press releases to the Campus Security Director regarding necessary criminal activity of students at non-campus locations, and activity of officially recognized student organizations are also included in the annual security report.

Weapons Policy

Buena Vista University officers are unarmed and do not carry firearms. Patrol officers carry pepper spray and handcuffs. Outside law enforcement personnel who are authorized to possess weapons may do so within the scope of their authority. No other persons are permitted to possess weapons on University property, even if such weapons are legally registered. This includes vehicles on campus premises. Approved exceptions to this policy are the Archery & Clay Target Sports Club, which has approved regulations and mandated safeguards for storage on campus.

Crime and Emergency Reporting Procedures

The University campus community members (students, faculty, staff, and guests) are encouraged to report all criminal actions, emergencies, or other safety-related incidents occurring within the University's Clery geography to the Buena Vista University Campus Security in an accurate, prompt, and timely manner. The University's Clery geography includes on-campus property (including campus residence halls, buildings, and/or facilities), designated non-campus properties and facilities, public property adjacent to and immediately accessible from the on-campus property, and leased, rented, or otherwise recognized and/or controlled buildings, spaces, and/or facilities.

The Campus Security Office is located in the Student Success suite in the Harold Walter Siebens Forum. The Department of Campus Security has been designated by Buena Vista University as the official office for campus crime reporting. Campus Security 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 911 for local emergency services. The non-emergency number for local emergency services is 712-749-2525. Students and employees may also report criminal offenses to the Vice President for Student Success, Human Resources, the Director of Residence Life, Area Coordinators, Resident Advisors, coaches, faculty, and staff advisors to student groups.

Campus Security strongly encourages accurate and prompt reporting of crimes. Campus Security will respond to each report in a timely manner. This ensures security can evaluate, consider, and send timely warning reports, disclose crimes such as posting in the Daily Crime Log, and accurately document reportable crimes in the annual statistical disclosure. Security encourages accurate and prompt reporting to local police when the victim of a crime elects to.

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, a person may still want to consider making a confidential report. A person can 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 an effort to provide timely notice to the Buena Vista University campus community in the event of a criminal situation that may pose a serious or continuing threat to members of the campus community, a Timely Warning (Campus Safety Alert) that withholds the names of victims as confidential and that will aid in the prevention of similar crimes, will be sent. The Campus Security Department works with the Office of Marketing and Communications to provide a timely notice distributed via one of the following; an electronic newsletter (BVU News), BVU Alerts (RAVE emails and texts), possible flyers posted throughout campus, or posting on the Campus Security website, University website/App, and if

circumstances warrant, published in the school newspaper (*"The Tack,"*) and/or announced over campus TV and radio. Our institution has communicated with local police requesting their cooperation in informing the institution about crimes reported to them that may warrant a Campus Safety Alert. If broader public awareness is necessary beyond the options listed above, law enforcement and news outlets will also be notified.

The intent of a Campus Safety Alert is to warn the campus regarding a criminal incident, providing individuals an opportunity to take reasonable precautions to protect themselves. Buena Vista University will initiate a Campus Safety Alert without delay upon confirmation of an emergency/dangerous situation, taking into account the safety of the community; unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain/respond to or otherwise mitigate the emergency. Emergency or dangerous situations may be confirmed by Campus Security or an outside agency, such as but not limited to the National Weather Service, Buena Vista County Emergency Management, Buena Vista County Sheriff's Department, or Storm Lake Police Department.

Campus Safety Alerts are generally written and distributed to the campus community by the Communications and Marketing Office, the Director of Campus Security, or Designee. The Director of Campus Security or Designee has the authority to issue a Campus Safety Alert without consultation if consultation time is not available. In the event of an ongoing situation, the Communications and Marketing Office will be responsible for delivering updates and media statements.

Campus Safety Alerts are sent to the campus community to notify members of the community about specific Clery Act crimes (as described below) that have been reported to Campus Security and that have occurred on campus or on non-campus property or public property, where it is determined that the incident may pose a serious or continuing threat to members of the campus community. Students and employees are automatically enrolled to receive Campus Safety Alerts. An announced test happens annually for the Campus Safety Alerts.

Campus Safety Alerts may be distributed for any of the following Clery Act crime classifications: murder and non-negligent manslaughter, negligent manslaughter, sex offenses (rape, fondling, incest, and statutory rape), robbery, aggravated assault, burglary, arson, hate crimes, motor vehicle theft, domestic violence, dating violence, stalking, or arrests and referrals for liquor law, weapons law, drug law offenses, and hazing. Alerts for these crimes are considered on a case-by-case basis and depend upon several factors. These include the nature of the crime, the timeliness of the report, and the continuing or ongoing danger to the campus community (such as whether the perpetrator was apprehended), and the possible risk of compromising law enforcement efforts. For example, if a physical assault occurs between two students who have a disagreement, there may be no continuing threat to other Buena Vista University community members and a Campus Safety Alert would not be distributed.

In cases involving sex offenses that can be typically reported long after the incident occurred, there is no ability to distribute a Campus Safety Alert to the community. Sex offenses will be considered on a case-by-case basis depending on when and where the incident occurred when it was reported, and the amount of information known by Campus Security.

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 IDs 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, Alcohol, and Drugs Education and Prevention:** In cooperation with Campus Counseling, Residence Life, and Health Services, 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 service that provides jump-start and lockout 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 Crime 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 open to the public for inspection during normal business hours in the Student Success suite. The request of portions older than sixty days is available within two business days of a request.

- **Campus Safety Alert:** 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 one of the following: BVU News, campus email, text, Campus Security website, University website/App, 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. All reports should be made to the Office of Campus Security immediately. 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 the designation of emergency contact information

- Students ages 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, the emergency contact information submitted by a student upon registering shall be used as the individual or individuals to be contacted by the University “in case of emergency.” An emergency contact designee will remain in effect until changed or revoked by the student. In searching for the missing students, students’ contact information will be kept confidential except to authorized campus officials and law enforcement.
- Students under the age of 18:** In the event that a student who is not emancipated is determined to be missing pursuant to the procedures set forth below, the University 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 24 hours of the report or it is apparent immediately that a 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.

- d. No later than 24 hours after determining that a residential student is missing, the Vice President for Student Success or his/her 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 Sexual Misconduct and Title IX Policy

I. Policy Statement

Buena Vista University is committed to providing a working and learning environment free from discrimination and harassment where all members feel respected, valued, and fully empowered to claim a place in, and responsibility for, our shared working, living, and learning community. Buena Vista University prohibits sexual misconduct, including, without limitation, sexual and gender-based harassment, sexual assault, domestic violence, dating violence, stalking, sexual exploitation, and retaliation. This policy informs the community of the University's policies and procedures for addressing sexual misconduct, including supportive measures, reporting and complaint procedures, investigation and adjudication procedures, sanctions, remedies, and appeals.

Buena Vista University promotes prompt reporting of sexual misconduct and fair resolution of sexual misconduct complaints. Title IX of the Higher Education Act of 1972 and its implementing regulations effective August 14, 2020 (Title IX), impose certain requirements that the University, as a recipient of federal funding, must adhere to in handling reports of sexual misconduct. The University will take additional measures, described in this policy, to comply with Title IX requirements when the Title IX Coordinator determines allegations of sexual misconduct are within the jurisdictional limitations and sexual misconduct definitions set forth in Title IX.

Reports of harassment and discrimination based on sex and other protected characteristics may also be handled pursuant to the [Buena Vista University Policy Against Harassment and Discrimination](#) and other University policies, as applicable.

Notice of Non-Discrimination

Buena Vista University does not discriminate in any of its Education Programs and Activities on the basis of race, color, religion or religious belief, creed, citizenship status, sex, marital status, familial status, disability, pregnancy, sexual orientation, gender identity or expression, national origin, military service or affiliation, genetic information, age, or any other characteristics protected by law in the administration of its educational policies, admissions policies, scholarships and loan programs, athletic programs, and other University programs and activities, and expressly prohibits any member of the University community from engaging in harassment and discrimination on the basis of protected class.

Sex discrimination is prohibited by Title IX of the Education Amendments of 1972, and its implementing regulations (34 C.F.R. Part 106, as amended by 85 FR 30026 (May 19, 2020)), a federal law that provides that: No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance, including admissions and employment.

Prohibited conduct under this policy is also prohibited under the Clery Act as amended by VAWA, Title VII of the Civil Rights Act of 1964, the Iowa Civil Rights Act, and other applicable statutes, regulations, and administrative code provisions.

Incidents of protected class harassment or discrimination will be met with appropriate disciplinary action, up to and including dismissal from the University or termination of employment from the University. The University is committed to preventing or stopping discrimination or harassment whenever it may occur at the University or in its sponsored activities.

Questions regarding this statement may be directed to the Title IX Coordinator. Inquiries or complaints concerning the application of Title IX may be referred to the Title IX Coordinator and/or the United States Department of Education:

Title IX Coordinator Erin Heuton Human Resource – Dixon Eilers 102 Buena Vista University 610 West 4th Street Storm Lake, Iowa 50588 TitleIX@bvui.edu 712-749-2061	U.S. Department of Education The Office of Civil Rights 400 Maryland Avenue, SW Washington, DC 20202-1100 Telephone: (800) 421-3481 Facsimile: (202) 453-6012 TDD#: (800) 877-8339 Email: OCR@ed.gov http://www.ed.gov/ocr
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Title IX Coordinator and Coordinated Community Response Team

The Title IX Coordinator is the designated staff member of the University with primary responsibility for coordinating University Title IX compliance efforts, including the University's efforts to end sexual misconduct, prevent its recurrence, and address its effects. The Title IX Coordinator oversees and monitors the University's overall compliance with Title IX-related policies; the implementation and oversight of grievance processes and procedures, including review, investigation, and resolution of reports of sexual misconduct; and the provision of educational materials and training for the campus community.

Responsibilities of the Title IX Coordinator include:

- Ensuring University policies and procedures and relevant state and federal laws are followed;
- Advising the University community regarding the courses of action available at the University and in the community;
- Assisting University employees to respond appropriately to reports of sexual misconduct;
- Monitoring compliance with procedural requirements and time frames outlined in this policy;
- Evaluating allegations of bias or conflict of interest relating to procedures outlined in the policy;
- In consultation with appeal decision-makers, determining whether grounds for appeal under this policy have been stated;
- Ensuring that appropriate training, prevention and education efforts, and periodic reviews of climate and culture take place;
- Coordinating the University's efforts to identify and address any patterns or systemic problems revealed by reports and complaints; and
- Assisting in answering questions related to this policy.

The University has established a Coordinated Community Response Team responsible for developing, reviewing, and revising protocols, policies, and procedures contained in and related to this policy.

The team includes members from various campus constituencies, and may include the following: Human Resources Director, Vice President for Student Success, Director of Campus Security/Clery Compliance Officer, Title IX Coordinator, Deputy Title IX Coordinator(s), Director of Residence Life, Director of Spiritual Life, Director of Health Services and Wellness, and additional faculty, staff and students.

II. Scope of Policy

The University's prohibition of sexual misconduct applies to all members of the University community and 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).

This policy applies regardless of the sexual orientation or gender identity of any of the parties.

Jurisdiction: All University community members are required to follow University policies and local, state, and federal law. This policy applies to conduct occurring on University property or at University-sanctioned events or programs that take place off campus, including study abroad and internships and to off-campus conduct that the University determines occurred in the context of an education program or activity or had continuing effects on campus. This policy also applies to off-campus conduct that may cause or threaten to cause an unacceptable disruption at the University or which may interfere with an individual's right to a non-discriminatory educational or work environment.

Title IX Jurisdictional Criteria and Definitions of Prohibited Conduct: Federal regulations specify certain procedures that must be followed when allegations of sexual misconduct are within the jurisdictional limitations and sexual misconduct definitions set forth in Title IX.

Title IX Jurisdictional Criteria:

1. The conduct must have occurred against a person in the United States;
2. The conduct must have occurred within an Education Program or Activity of the University; and
3. The Complainant must be participating in or attempting to participate in an Education Program or Activity of the University at the time the Formal

Complaint is submitted.

Title IX Definitions of Prohibited Conduct:

1. Sexual Harassment: Sexual Harassment under Title IX includes Quid Pro Quo Sexual Harassment and Unwelcome Conduct Sexual Harassment.
 - Quid Pro Quo Sexual Harassment occurs when a University employee conditions the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct.
 - Unwelcome Conduct Sexual Harassment is conduct on the basis of sex that is unwelcome and is determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to an Education Program or Activity of the University.
2. Sexual Assault: Any nonconsensual sexual act or any sexual act with a Complainant lacking capacity to consent including, without limitation:
 - Rape, sexual battery, sexual abuse, fondling, incest, statutory rape, and sexual coercion;
 - Any intentional sexual touching, however slight, with any object, by a person upon another person that is without consent and/or by force;
 - Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch a person or themselves with or on any of these body parts;
 - Any sexual intercourse, however slight, with any object, by a person upon another person that is without consent and/or by force. Intercourse includes vaginal or anal penetration by a penis, object, tongue or finger, and oral copulation (mouth to genital contact), no matter how slight the penetration or contact.
3. Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
4. Domestic Violence: Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under applicable domestic or family violence laws, or by

any other person against an adult or youth victim who is protected from that person's acts under the applicable domestic or family violence laws.

5. Stalking: A course of conduct directed at a specific person on the basis of sex that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.
6. Retaliation: Intimidating, threatening, coercive, or discriminatory conduct directed to an individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report of complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing.

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 does not undermine, and will not be interpreted or implemented in a manner that undermines, the principle of academic freedom. The exercise of academic freedom may include the introduction of controversial and challenging matters and demanding methods of inquiry within the teaching environment. However, discrimination, harassment, sexual misconduct, sexual assault, and other conduct prohibited by this policy are not legally protected, nor are they excused by reference to academic freedom. Instead, they undermine the educational mission of the University, its integrity, and the intellectual, working, and living environment for members of the University community.

IV. Terms

Actual Knowledge: Notice of sexual misconduct or allegations of sexual misconduct to the University's Title IX Coordinator or any official of the University who has authority to institute corrective measures on behalf of the University. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only University official with actual knowledge is the Respondent. The mere ability or obligation to report sexual misconduct or to inform a student about how to report sexual misconduct, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the University.

Notice as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator.

Advisor: A person selected to provide advice to a party for all, or a portion, of the grievance process. Complainants or Respondents may be accompanied by one Advisor to any proceeding under this policy. Advisors are not mandatory, except that an Advisor is required to cross-examine other parties and witnesses during a live hearing in a Title IX grievance process. If a party does not have an Advisor for cross-examination for a live hearing in a Title IX grievance process, the University will provide one. Cross-examination is the only time an Advisor may speak for a party or directly address another party.

Coercion: Unreasonable pressure or intimidation for sexual activity that would compel an individual to do something against their will by the use of psychological pressure, physical force, or threats of severely damaging consequences.

- Coercion is more than an effort to persuade or attract another person to engage in sexual activity.
- Coercive behavior differs from seductive behavior based on the degree and 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.
- There is no requirement that a person resists a sexual advance or request, but resistance is a clear demonstration of non-consent.
- The use of physical force may violate other University regulations as well and may constitute a stand-alone, non-sexual misconduct offense such as physical assault in addition to a sexual misconduct violation.

Complainant: Any individual who is alleged to be the victim of sexual misconduct under this policy. The term “Complainant” may be used to refer generally to persons alleged to have been subjected to conduct that violates this policy, whether or not they have filed a Formal Complaint.

Complicity: Any act taken with the purpose of aiding, facilitating, promoting or encouraging the commission of an act of prohibited conduct by another person.

Consent: Sexual permission that is clear, knowing, and voluntary. Consent is active, not passive. Effective consent can be given by words or overt actions, as long as those words or actions create mutually understandable, clear permission regarding willingness to engage in (and the conditions of) sexual activity. The words or overt actions must clearly and affirmatively communicate a freely given agreement to perform a particular sexual act at the time of the act. It is the responsibility of the person initiating the specific sexual activity to obtain consent for that activity. It is important not to make assumptions about whether a potential partner is consenting. In order to avoid confusion or ambiguity, participants are encouraged to talk with one another before engaging in sexual activity. If confusion or ambiguity arises during sexual activity, participants are encouraged to stop and clarify a mutual willingness to continue that activity. Consent may be withdrawn at any time. An individual who seeks to withdraw consent must communicate, through clear words or actions, a decision to cease the sexual activity. Once consent is withdrawn, the sexual activity must cease immediately.

The conditions of obtaining consent are subject to the following:

- Consent can only be given if one is of legal age. In Iowa, the legal age of consent is 16 years old.
- Consent is a mutually understood and freely given “yes,” not the absence of “no.”
- Consent to one form of sexual activity cannot imply consent to other forms of sexual activity.
- Silence or failing to resist does not imply consent.
- Previous relationships or previous consent does not imply consent to future sexual acts.
- An existing sexual, romantic, or marital relationship does not imply consent.

- Prior sexual activity with other individuals does not imply consent.
- Consent cannot be obtained, explicitly or implicitly, by use of force, intimidation, threats, or Coercion.
- There can be no consent to sexual activity with someone known to be—or who should be known to be—mentally or physically Incapacitated.

Use of alcohol or other drugs will never function to excuse behavior that violates this policy.

Dating Violence [This definition of Dating Violence includes, but is not limited to, conduct defined as Dating Violence for purposes of Title IX]: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant’s statement with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- 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. Iowa law defines “domestic abuse” to include assault between persons who are in an intimate relationship or have been in an intimate relationship and have had contact within the past year. See [Iowa Code § 236.2](#).

Domestic Violence [This definition of Domestic Violence includes, but is not limited to, conduct defined as Domestic Violence for purposes of Title IX]: a felony or misdemeanor crime of violence committed by:

- A current or former spouse or intimate partner of the Complainant;
- A person with whom the Complainant shares a child;
- A person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner;
- A person similarly situated to a spouse of the Complainant under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- Any other person against an adult or youth Complainant 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. In addition to the relationships described above, Iowa law defines “domestic abuse” to include assault committed between family or household members (defined as spouses, persons cohabiting, parents, or other persons related by consanguinity or affinity) who resided together at the time of the assault or who resided together within the past year and assault between persons who are in an intimate relationship or have been in an intimate relationship and have had contact within the past year. See [Iowa Code § 236.2](#).

Education Program or Activity: All programs and activities operated by the University, including locations, events, or circumstances over which the University exercises substantial control over both the Respondent and the context in which the alleged conduct occurs, including buildings owned or controlled by student organizations officially recognized by the University.

Formal Complaint: A document submitted to the Title IX Coordinator by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the University investigate the allegation of sexual harassment. A Formal Complaint may be filed with the Title IX Coordinator in person at the Human Resources office in Dixon-Eiler Room 102 during business hours; by mail to Title IX Coordinator, Buena Vista University, 610 West 4th Street, Storm Lake, Iowa 50588; or at any time by electronic mail at TitleIX@bvuu.edu.

Formal Resolution Process: After a Formal Complaint is filed, a Formal Resolution is reached through a grievance process that includes an investigation, hearing, determination regarding responsibility, and an appeal process.

Incapacitation: The physical and/or mental inability to understand the fact, nature, or extent of the sexual situation (i.e., to understand the “who, what, when, where, why, or how” of his/her sexual interaction). Incapacitation may result from mental or physical disability, sleep, unconsciousness, involuntary physical restraint, or from the influence of drugs or alcohol. With respect to incapacitation due to alcohol or other drug ingestion, consumption of alcohol or other drugs alone is insufficient to establish incapacitation. A person is not necessarily incapacitated merely as a result of drinking or using other drugs. The impact of alcohol and other drugs varies from person to person. Where alcohol or other drugs are involved, incapacitation is determined on a case-by-case basis based on the facts and circumstances of the particular situation, looking at whether the individual was able to understand the fact, nature, or extent of the sexual situation; whether the individual was able to communicate decisions regarding consent, nonconsent, or the withdrawal of consent; and whether the accused knew, or a sober, reasonable person in the position of the accused should have known, that the Complainant was incapacitated.

One is not expected to be a medical expert in assessing incapacitation. One must look for the common and obvious warning signs that show that a person may be incapacitated or approaching incapacitation. Although every individual may manifest signs of incapacitation differently, typical signs include slurred or incomprehensible speech, unsteady gait, combativeness, emotional volatility, vomiting, or incontinence.

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>.

Being impaired by alcohol or other drugs is not a defense against allegations of sexual misconduct and does not diminish personal accountability or criminal liability.

Informal Resolution Process: After a Formal Complaint is filed, the parties have the option to pursue an Informal Resolution that does not involve an investigation, hearing, determination regarding responsibility, or an appeal process. Both parties must agree to pursue Informal Resolution and a party may withdraw from the Informal Resolution Process and resume the Formal Resolution Process at any time before the matter is concluded.

Preponderance of the Evidence: Standard of proof used to determine responsibility. The standard of proof for a substantiated finding in the Formal Resolution Process is "preponderance of the evidence" – that is, evidence which, taken as a whole, shows that it is more likely than not that a violation of the policy occurred.

Remedies: Measures to restore or preserve the Complainant’s equal access to the

University's Education Programs and Activities.

Reporting Official: Individuals holding the following positions are Reporting Officials required to notify the Title IX Coordinator when they have knowledge of potential allegations of sexual misconduct:

- President
- Executive Assistant to the President
- VP of Finance and Administration
- VP of Student Success
- VP of Academic Affairs
- VP of Extended University Programs
- VP of University Development & Alumni Engagement
- VP of Enrollment Management
- Assistant VP of Student Success
- Director of Community Engagement
- Director of Recreation Services
- Assistant Director of Career & Personal Development
- Administrative Assistant – Career & Personal Development
- Assistant Director of Campus Activities & Leadership
- Director of Residence Life & Housing
- Area Coordinators
- Director of Campus Security
- Assistant Director of Campus Security
- Campus Security Officer
- Office Manager GSLC
- Program Coordinator for the Office of Community Engagement
- Director of Athletics
- Assistant Athletic Director
- Head & Assistant Coaches
- Human Resources Director

When the Title IX Coordinator and/or any Reporting Official has notice of sexual misconduct or allegations of sexual misconduct, the University is obligated to respond promptly, including by offering Supportive Measures to a Complainant.

Respondent: Any individual who is reported to be the perpetrator of sexual misconduct.

Retaliation [This definition of Retaliation includes, but is not limited to, conduct defined as Retaliation for purposes of Title IX]: Any adverse action taken against a person for the person making a good faith report of a potential violation of this policy, supporting another person's report, participating in good faith in a complaint resolution process, or opposing in good faith a practice or conduct that the person reasonably believes is in violation of this policy. Retaliation includes any form of intimidation, threats, coercion, reprisal, or harassment. See the No Retaliation section below for more information.

Sanctions: Disciplinary action imposed upon a Respondent after a determination of responsibility

following a grievance process that complies with this policy, and Title IX if applicable based on the allegations. Sanctions may include but are not limited to those listed on page 34.

Sexual Assault [This definition of Sexual Assault includes, but is not limited to, conduct defined as Sexual Harassment for purposes of Title IX]: Any actual or attempted sexual contact, with any object, with another person without that person's consent. As used in this policy, sexual contact includes intentional contact by the accused with the Complainant's genital area, groin, inner thigh, buttocks, or breasts, whether clothed or unclothed; touching another with any of these body parts, whether clothed or unclothed; coerced touching by the victim of another's genital area, groin, inner thigh, buttocks, or breasts, whether clothed or unclothed;

forcing another to touch oneself or him/herself with or on any of these body parts; or any intentional bodily contact in a sexual manner, though not involving contact with/of/by the genital area, groin, inner thigh, buttocks, or breasts. Sexual assault includes but is not limited to an offense that meets any of the following definitions:

- Rape: the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, or oral contact with the sex organ of another person, without the consent of the victim.
- Fondling: the touching of the intimate parts (including the genital area, groin, inner thigh, buttocks, or breast) of another person for the purpose of sexual gratification, without the consent of the victim.
- Incest: sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory rape: sexual intercourse with a person who is under the statutory age of consent; in Iowa the age of consent is 16.

Sexual assault is a crime under Iowa law. See [Iowa Code Section 709.1 et seq.](#) Under Iowa law, sexual abuse is defined as any sex act committed against another by force or against the victim's will, including when the consent or acquiescence of the victim is procured by threats of violence toward any person or when the act is done while the victim is under the influence of a drug inducing sleep or is otherwise in a state of unconsciousness, or when the victim is suffering from a mental defect or incapacity which precludes giving consent, or lacks the mental capacity to know the right and wrong of conduct in sexual matters. 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.

Sex Discrimination: Conduct based upon an individual's sex that excludes an individual from participation, denies the individual the benefits of, treats the individual differently, or otherwise adversely affects a term or condition of an individual's employment, education, living environment or participation in a University Education Program or Activity. Sex discrimination encompasses all forms of sexual harassment, sexual violence, differential treatment, and gender-based harassment. Sex discrimination includes discrimination based on gender, gender expression, gender identity, and sex. Discrimination based on sexual orientation also is prohibited. For the University's general nondiscrimination policy (which covers sex discrimination), please see [BVU's Policy Against Harassment and Discrimination](#).

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 the 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 photographs/images, video recording, and/or audio recording of a sexual activity;
- Non-consensual distribution of photographs/images, 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 in non-consensual circumstances.

Sexual Harassment [This definition of Sexual Harassment includes, but is not limited to, conduct defined as Sexual Harassment for purposes of Title IX]: A form of unlawful sex discrimination. It may involve any member of the campus community regardless of gender. Sexual harassment is defined as unwelcome sexual or gender-based verbal, physical, or other conduct or communication 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 Activity. 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, explicitly or implicitly, as the basis for employment or academic decisions), or may create an intimidating, hostile, or offensive environment for that individual's employment, education, living environment, or participation in a University activity. Examples of sexual harassment may include, but are not limited to:

- Unwanted sexual attention or other verbal or physical conduct of a sexual nature;
- Implied or overt threats of punitive action as a result of rejection of sexual advances;
- Conditioning a benefit on an individual's acceding to sexual advances;
- Unwelcome, sexually explicit messages, statements, or materials;
- Attempting to coerce an unwilling person into a romantic or sexual relationship
- Sexual violence;
- Gender-based bullying;
- Verbal abuse of a sexual nature or obscene language;
- Gender- or sexually-oriented jokes and comments;
- Displaying derogatory or sexually suggestive pictures or other objects in an office, on the exterior of a residence hall door, or on a computer monitor in a public space;
- "Rating" individuals' bodies and sex appeal, commenting suggestively about their clothing and appearance, or other verbal commentary about an individual's body;
- Visual conduct such as leering or making gestures;

- Gossip about sexual relations;
- Repeated and unwelcome sexual flirtations, attention, or advances.

Stalking [This definition of Stalking includes, but is not limited to, conduct defined as Stalking for purposes of Title IX]: 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.
 - Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or professional treatment or counseling.
 - Reasonable person means a reasonable person in the Complainant's circumstances.

Stalking is also prohibited by Iowa law. See [Iowa Code 708.11](#). 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.

Supportive Measures: Services offered to a Complainant or Respondent to restore or preserve equal access to the University's Education Programs and Activities, protect the safety of any party or the University community, or deter sexual misconduct.

Supportive Measures are non-disciplinary, non-punitive, and confidential to the extent possible.

Supportive Measures may be offered even if a Complainant does not submit a Formal Complaint.

Supportive Measures may include ongoing steps to protect parties from retaliation or harm; assistance in accessing advocacy services, academic support, counseling, disability services, health or mental health services, and legal assistance; issuing a no contact directive; helping arrange a change of living or working arrangements or course schedules; or adjustments for assignments or tests.

V. Confidentiality

The University encourages individuals who believe they have experienced sexual misconduct to talk to someone about what happened. Different people on campus have different reporting

responsibilities and different abilities to maintain privacy or confidentiality, depending on their roles at the University. 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.

In making a decision about whom to contact for support and information, it is important to understand that most University employees are not confidential resources, and some University employees are required to report to the University any information they receive about sexual misconduct. Individuals who have experienced sexual misconduct are encouraged to consider the following information in choosing whom to contact for information and support.

In addition, although the University will strive to protect the privacy of all individuals involved to the extent possible consistent with the University's legal obligations, the University may be required to share information with individuals within the University or organizations outside the University in certain circumstances. For example, if there is a criminal investigation or civil lawsuit related to the alleged misconduct, the University may be subject to a subpoena or court order requiring the University to disclose information to law enforcement and/or the parties to a lawsuit. In such cases, affected students will be notified consistent with the University's responsibilities under FERPA.

1. Confidential Communications and Resources

The University recognizes that some individuals may wish to keep their concerns confidential. Confidential communications are those communications which legally cannot be disclosed to another person, without the Complainant's consent, except under very limited circumstances such as allegations involving the physical or sexual abuse of a child (under the age of 18) or vulnerable adult or an imminent threat to the life of any person. Individuals who desire the details of sexual misconduct to be kept confidential should speak with a medical professional, professional counselor, minister or other pastoral counselor, or trained victims' advocates. These resources include:

- On Campus:
 - Counseling Services, (712) 749-2123, Dixon Eilers 208
 - Health Services,* (712) 749-1238, Dixon Eilers 207
 - Chaplain,* (712) 749-2111, Center for Diversity & Inclusion - Siebens Forum

* The Director of Health Services & Wellness and the Chaplain serve in various roles on campus. If you are seeking assistance from the Director of Health Services & Wellness or the Chaplain in their roles as confidential resources, you should contact them through the office contact information listed above and should make clear prior to disclosing any information that you are seeking their assistance as a confidential resource.

- Off Campus:
 - CAASA (Centers Against Abuse and Sexual Assault)
www.caasaonline.org Storm Lake: (712) 732-8120, 24-hour
crisis line: (877) 362-4612
 - Family Crisis Centers, Sioux County Office: (712) 722-4404, 24-
hour crisis line: (800) 382-5603, www.familycrisiscenters.org
 - Iowa Victim Service Call Center: text 'IOWAHELP' to 20121, 24- hour
crisis line: (800) 770-1650

A person who speaks to a confidential resource should understand that, if the person does not report the concern to a non-confidential person at the University, such as one of the University officials designated in the “Reports to the University” section below, the University will not have information necessary to provide supportive measures that would require involvement from the University (such as issuing a no-contact directive), or conduct an investigation into the particular incident, or pursue sanctions or remedies.

2. Non-Confidential Communications

Non-confidential communications are those communications with any University employee who is not a confidential resource as identified above. Only confidential resources can promise confidentiality. All other University employees who become aware of incidents or allegations of sexual misconduct have a responsibility to report the matter to the Title IX Coordinator. University employees designated as Reporting Officials are required, by Title IX, to report the matter to the Title IX Coordinator.

University employees who are not confidential resources will make reasonable efforts to inform Complainants of their reporting obligations and requirements before the Complainant has disclosed a situation that requires reporting to the Title IX Coordinator.

3. Requests for Confidentiality or Non-Action

When the University receives a report of sexual misconduct, it has a legal obligation to respond in a timely and appropriate manner. Making a report to the University does not require a Complainant to begin or participate in a grievance process or to report to local law enforcement. However, based on the information gathered, the University may determine that it has a responsibility to move forward with the grievance process (even without the participation of the Complainant). In a situation in which the Complainant requests no investigation or other action, The Title IX Coordinator will consider the Complainant’s wishes and will only initiate the grievance process against the Complainant’s wishes after consideration of all the known circumstances.

When a Complainant’s request for confidentiality or no action cannot be honored, the Title IX Coordinator or the Title IX Coordinator’s designee(s) will inform the individual about the chosen course of action, which may include an investigation of the incident(s) reported, and may, at the individual’s request, communicate to the accused that the individual asked the University not to investigate and that the University determined it needed to do so. Alternatively, action could include steps to limit the effects of the alleged misconduct and prevent its recurrence that do not involve an investigation or formal disciplinary action against the accused or revealing the identity of the individual who has alleged the sexual misconduct. In order to protect the rights and safety of this community, the University reserves the right to take whatever measures, in compliance with applicable law, it deems necessary in response to an allegation of sexual misconduct.

4. Clery Act Reporting and Timely Warning

The University is obligated to provide the University community with general information regarding incidents of sexual violence and other crimes occurring on campus. However, publicly available recordkeeping, including Clery Act reporting and disclosures such as the annual security report and daily crime log, will not include names or other information that may personally identify either party, to the extent permitted by law. As required by federal law, the University includes statistics about certain offenses in its annual security reports and provides those statistics to the United States

Department of Education in a manner that does not include any personally identifying information about individuals involved in an incident. To ensure that a victim's personally identifying information will not be included in publicly available recordkeeping, the Title IX Coordinator and/or Director of Campus Security describes the alleged incidents by removing the victim's and accused's names and any other identifiers that would enable the public to identify the victim or accused in the context of the incident report.

In addition, the Clery Act requires the University to issue a crime alert (timely warning) to the campus community about certain reported offenses which may represent a serious or continuing threat to students and employees. The timely warning may include that an incident has been reported, general information surrounding the incident, and how incidents of a similar nature might be prevented in the future. The timely warning will not include any identifying information about the individual who has alleged the sexual misconduct.

VI. Immediate and Ongoing Assistance Following an Incident of Sexual Misconduct

The University will seek to support any person adversely impacted by sexual misconduct. Both the University and the Storm Lake community provide a variety of resources to assist and support individuals who have experienced sexual misconduct or are affected by allegations of sexual misconduct. These resources, both immediate and ongoing, are available to all persons irrespective of their decision to report to the University or to law enforcement. Contact information for on- and off-campus resources (including confidential resources) who can provide an immediate response in a crisis situation, including assisting with obtaining needed resources and explaining reporting options, is listed in the Support Resources section at the end of this policy and on the University's website. Emergency numbers and information about health care options are also listed in the Support Resources section at the end of this policy and on the University's website.

Support services that may be available include, but are not limited to, connecting the individual with appropriate on-campus and off-campus counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and support services; making changes to academic, living, transportation, and/or working arrangements; assistance in filing a criminal complaint; and providing information about restraining orders and other available protections and services. Additional information about ongoing assistance is in the Interim Actions and Protective Measures section below. To receive information about obtaining support services, individuals should contact the Title IX Coordinator or a confidential resource.

The University will provide written notification to affected individuals about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the University and in the community. A complete description of University and community resources, both confidential and non-confidential, and additional information regarding what individuals can do if they experience sexual violence is provided in the Support Resources section at the end of this policy and on the University's website. Individuals who believe they have been subjected to any form of sexual misconduct are encouraged to seek support from these resources.

VII. Reporting Sexual Misconduct

There are multiple channels for reporting prohibited conduct. A Complainant may choose to report to the University, to law enforcement, to both, or to neither. These reporting options are not exclusive. Complainants may simultaneously pursue criminal and disciplinary action. The University will support Complainants in understanding, assessing and pursuing these actions.

1. Reports to the University

The University urges anyone who experiences or becomes aware of an incident involving sexual misconduct to report the incident to the University by contacting the Title IX Coordinator, Erin Heuton, by telephone at 712-749-2061, by e-mail at titleix@bvui.edu, or in person during business hours at Dixon-Eilers Room 102 (located in Human Resources).

Reports can be made by telephone, email, or in person. Reports to the University should include as much information as possible, including the names of those involved, and the date, time, place, and circumstances of the incidents, to enable the University to respond appropriately.

The Title IX Coordinator will promptly meet with the reporting person to discuss the situation. This discussion does not commit a Complainant to making a Formal Complaint. 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. See the procedures below for additional information concerning the grievance process.

2. Employee Reporting Obligations

In order to enable the University to respond effectively and to prevent future instances of sexual misconduct, all University employees who are not confidential resources, who obtain or receive information regarding a possible violation of this policy are instructed to report that information to the Title IX Coordinator.

Student employees who receive such information in the course of their work position or duties are also instructed to report the information to the Title IX Coordinator. Such report should be made as soon as possible and should include all relevant details needed to assess the situation. This includes, to the extent known, the names of the Respondent(s) (if known), the Complainant(s), other individuals involved in the incident, as well as relevant facts, including the date, time, and location. Employees who receive such reports should not attempt to determine credibility, investigate the allegation, or require the Complainant to provide all of the details surrounding the alleged misconduct. To the extent the Complainant provides detail, that information should be provided to the Title IX Coordinator. Upon receiving a report of alleged or possible sexual misconduct, the Title IX Coordinator will evaluate the information received and determine what further actions should be taken consistent with University policies and Title IX.

3. Mandatory Reporting of Child Abuse

Any University employee who becomes aware of the abuse (including physical or sexual abuse) or neglect of a child (under 18 years of age) on campus or in connection with any University event, program, or activity must report it immediately to Campus Security and the Title IX Coordinator. If an employee is a mandatory reporter under Iowa law, such individual must also immediately report the abuse or neglect to the Department of Human Services and law enforcement, as required by law. 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 BVU sites.
- Members of the University community must 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.

Under Iowa law, persons who are mandatory reporters are described in [Iowa Code Section 232.69\(1\)](#). Generally, this includes a person who in the scope of her or his professional or employment responsibilities examines, attends, counsels, or treats a child, and who is a health practitioner; social worker; certified psychologist; licensed school employee, certified para-educator, or holder of a coaching authorization under Iowa Code Section 272.31; employee or operator of a licensed child care center; employee or operator of a mental health center; peace officer; counselor or mental health professional; or employee or operator of a provider of services to children funded under a federally approved medical assistance home and community-based services waiver.

4. Reports to Law Enforcement

Some types of sexual misconduct prohibited by this policy are crimes. Complainants who believe they may have been subjected to criminal sexual misconduct are strongly encouraged to notify local law enforcement authorities. Complainants have the right to notify or decline to notify law enforcement. The University will comply with an individual's request for assistance in notifying authorities and will assist Complainants in notifying law enforcement if they choose to do so.

Individuals who would like to report sexual misconduct to law enforcement should contact the following:

- 911 (for emergencies)
- Storm Lake Police Department, (712) 732-8010, 401 E. Milwaukee Avenue, Storm Lake, Iowa 50588, policedepartment@stormlake.org
- Buena Vista Sheriff's Department, (712) 749-2530, 411 Expansion Blvd., Storm Lake, Iowa 50588, bvso@bvsheriff.com

After completing and submitting a police report, the reporting party may be: 1) contacted by a member from the Sexual Assault Response Team (SART) 2) asked to participate in an interview and/or 3) asked to submit to collection of evidence.

Reporting to law enforcement is not necessary for the University to proceed with its

own investigation and grievance process.

5. Protective Orders, Criminal No Contact Orders, and University No- Contact Directives

Individuals who would like to avoid contact with another individual have several options available to them, including seeking a protective order from a civil court, a criminal no-contact order from a criminal court, or requesting a no-contact directive from the University.

Protective orders and criminal no contact orders are legal orders issued by a state court which forbid someone from making contact with another. A protective order is issued by a state civil court. Any victim of domestic abuse can obtain a civil protective order by going to the clerk of court and asking for the form for protective orders. Once the paperwork for the protective order is completed, a court hearing will be set. It is not required that the person who committed the assault be arrested to obtain the civil protective order. The University does not issue protective orders, but one can be obtained through making an application to the Buena Vista County District Court. Applications for a protective order can be obtained from The Clerk of Court's Office at the Buena Vista Courthouse, 215 E. 5th Street, Storm Lake, Iowa 50588, (712) 749-2546. A criminal no- contact order is issued by a state criminal court as part of the criminal case, when a person has been arrested and charged with a crime. Criminal no-contact orders are generally issued in criminal cases of domestic abuse assault, harassment, stalking, sexual abuse, and assault. These criminal no contact orders are requested by the county attorney at the time of the defendant's first appearance before a judge.

A no-contact directive is a University-issued directive that prohibits one or both parties from communication or contact with another. No-contact directives may be mutual or one-sided. Generally, no-contact directives issued pending the outcome of an investigation will be mutual and serve as notice to both parties that they must not have verbal, electronic, written, or third party communication with one another. To request a no-contact directive from the University, individuals should contact the Title IX Coordinator, Erin Heuton, by phone at 712-749-2061, by email at titleix@bvu.edu, or in person at the Human Resources Office in Dixon Eiler Room 102.

The University is responsible for honoring requests for information about available options for protective orders and no contact orders and has a responsibility to comply with and enforce such orders. To request additional information about available options for protective orders and no contact orders, contact the Title IX Coordinator. A protective order or no-contact order can be enforced by contacting local law enforcement. The University will fully cooperate with any protective order and/or no-contact order issued by a criminal, civil, or tribal court.

6. Waiver of Drug/Alcohol Violations

The University strongly encourages reporting instances of sexual misconduct. The University recognizes that an individual who has been drinking or using drugs at the time of the incident may be hesitant to make a report because of potential consequences for their own conduct. Sometimes, Complainants are hesitant to report to University officials or witnesses are hesitant to participate because they fear that they themselves may be charged with policy violations, such as underage drinking, at the time of the incident. It is in the best interest of this community that as many Complainants as possible choose to report to University officials. To encourage reporting, an individual who reports a violation of this policy, who responds to allegations of a violation of this policy, or who participates as a witness in an investigation into allegations of a violation of this

policy will not be subject to disciplinary action by the University for their own personal consumption of alcohol or drugs or other minor policy violations at or near the time of the incident. Educational options may be explored, but no conduct proceedings or conduct record will result.

The University has additional amnesty policies relating to other types of conduct that do not involve a sexual misconduct complaint. For the University's other amnesty policies, click [here](#) (Code of Conduct/Article V/Amnesty Policy).

VIII. Complaint Procedures

Sexual misconduct complaints will be resolved through prompt and impartial application of this and other University policies. If Title IX applies to a particular case, the University will comply with Title IX in all respects. Each complaint resolution process will be conducted by the Title IX Coordinator, Deputy Title IX Coordinator(s), investigators, decision-makers, and informal resolution facilitators who receive regular training on what constitutes sexual misconduct under this policy and Title IX; how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable; how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant; and, for investigators, how to prepare an investigative report that fairly summarizes relevant evidence. From time to time, the University also provides training on additional issues related to sexual misconduct including proper techniques for questioning witnesses, rules for live hearings, preventing sexual misconduct, state and federal laws related to sexual misconduct, and trauma-informed responses.

A. General Provisions

The following principles are applicable to all complaint resolution processes.

1. Rights of the Complainant and Respondent

Complainants and Respondents will be treated equitably and are entitled to :

- Treatment by the University that is respectful and sensitive;
- Appropriate Supportive Measures regardless of whether a Formal Complaint is submitted;
- Privacy to the extent possible based on applicable law and University policy;
- Information regarding all applicable policies and procedures;
- The right to participate or decline to participate in the University's complaint resolution process, with the acknowledgement that not participating, either totally or in part, may not prevent the process from proceeding with the information available;
- Equitable procedures that provide both parties with a prompt, fair and impartial investigation and resolution process conducted by trained individuals;
- Notice of allegations and an opportunity to respond;
- An equal opportunity to identify relevant witnesses and other evidence;
- In Title IX cases, the opportunity to cross-examine parties and witnesses through an advisor.

- In non-Title IX cases, the opportunity to submit questions and areas of inquiry for decision-makers to cover while questioning witnesses and parties;
- For the Complainant, not to be questioned or have evidence considered regarding prior sexual conduct except in narrow circumstances where relevancy is established;
- The right to appeal determinations in certain circumstances, as discussed in the Appeals section below;
- The right to notification, in writing, of the resolution, including the outcome of any appeal;
- The right to report incidents to law enforcement at any time or to decline to do so.
- The right to receive timely notice (usually 2 business days) of meetings related to the grievance process.
- The right to timely and equal access to any information that will be used during the grievance process.
- The right to have an Advisor present for all meetings, hearings, and other proceedings during the grievance process.

2. **Advisors**

The Complainant and the Respondent in a grievance process (both the informal and formal resolution processes) have the right to be assisted by an Advisor of their choice, who may be, but does not need to be, an attorney.

Guidelines relating to the use of Advisors are:

- The purpose of the Advisor is to support an individual during the grievance process. An Advisor is permitted to accompany parties to in-person interviews or other meetings during the grievance process. In selecting an Advisor, each party should consider the potential Advisor's availability to attend in-person interviews and meetings. As a general matter, the University will not unnecessarily delay its proceedings to accommodate the schedules of Advisors.
- Advisors may confer with their advisee, but they may not actively participate in the grievance process except to conduct cross-examination during live hearings in cases that meet the jurisdictional and conduct requirements under Title IX. The Advisor may accompany the party to all meetings relating to the grievance process. The Advisor may not appear in lieu of the Complainant or Respondent or speak on their behalf in either in-person or written communications to the University except as described above in Title IX cases. The Advisor may not interrupt or otherwise delay the grievance process.
- Individuals involved in the process other than a Complainant or Respondent, such as witnesses, generally will not be allowed to have an Advisor present absent special circumstances and only when approved in advance by the Title IX Coordinator.
- The University will not provide information to an Advisor regarding a case unless the Advisor is accompanied by the party or the party has provided the University with written confirmation that the Advisor may be copied on communications regarding the case.
- Parties must notify the Title IX Coordinator who they have selected as their advisor.

Advisors will be required to sign an Advisor Agreement acknowledging receipt and understanding of these requirements. Failure to comply with these requirements, including violations of confidentiality, or other forms of interference with the grievance process by the Advisor may result in the University removing an Advisor.

If a party does not have an Advisor in a Title IX proceeding, the University will provide an Advisor for the purpose of cross-examination during a live hearing.

3. Requests for Reasonable Accommodations

Parties who need a reasonable accommodation to participate in any part of the grievance process should contact the Title IX Coordinator. The University will consider requests for reasonable accommodations submitted to the Title IX Coordinator on a case-by-case basis. Accommodations the University may provide include:

- Providing reasonable accommodations as required by law to an individual with a disability who requests an accommodation necessary to participate in the grievance process.
- Providing an interpreter for individuals who are limited English-language proficient.

4. Supportive Measures

At any time after a report of a potential violation of this policy has been received by the University, the Title IX Coordinator or the Title IX Coordinator's designee(s) will consider whether Supportive Measures are reasonably necessary or appropriate to support any party, regardless of whether a Formal Complaint is ever submitted. The University will consider appropriate Supportive Measures even when a Complainant asks to keep a reported violation of this policy confidential or requests that the University not investigate the matter, and regardless of whether an individual chooses to report to law enforcement. The University may also provide Supportive Measures to others involved in the process, including those adversely affected by allegations of sexual misconduct, if requested and reasonably available. The University cannot, however, provide Supportive Measures that impose discipline or punishment because sanctions may only be imposed on a Respondent following a finding of responsibility after a grievance process.

Examples of Supportive Measures may include, without limitation:

- Changing on-campus residency, dining, or transportation arrangements;
- Special parking arrangements;
- Assistance in finding alternative housing;
- Changing student or employee status or job responsibilities;
- Changing work or class schedules;
- Providing academic accommodations or providing assistance with academic issues;
- Providing security escorts;
- Providing a temporary cellphone;
- Access to counseling and medical services;
- Making information about protective orders and criminal no contact orders available to parties;
- Assistance in identifying an advocate to help secure additional resources or assistance,

including off-campus and community advocacy, support, and services.

The University will maintain as confidential any supportive measures provided to an individual, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures. Additional services are available on campus and/or in the community, as described in the Support Resources section at the end of this policy and on the University's website.

5. Non-Participation and Silence

Either party may decline, at any time, to participate in a grievance process under this policy. If, at any time during the grievance process, a party decides not to participate, the University will proceed with the grievance process and make a determination based upon the information available. A Respondent's silence in response to a Complainant's allegation will not necessarily be viewed as an admission of the allegation, but may leave the Complainant's allegations undisputed. Similarly, a Complainant's silence in response to a Respondent's denials or defenses will not necessarily be viewed as an admission of the denials or defenses, but may leave the Respondent's denials or defenses undisputed. Even if a party decides not to participate or chooses to stop participating at a phase of the process, the party will still be given the option to participate during additional phases of the process.

6. Dishonesty

All parties and witnesses have an obligation to be honest and truthful when providing information to the University as part of any process described in this policy. Any party who knowingly provides false information will be disciplined as this may be a form of retaliation under this policy and/or may violate other University policies.

Allegations of dishonesty will be handled in accordance with Human Resources Faculty/Staff Policy or the Student Code of Conduct, Article VII, Section 1, *Acts of Dishonesty or Falsifying University Records*, available at: <https://www.bvu.edu/bv/student-handbook/code-of-conduct/>.

7. Conflicts of Interest

If a party has any concern that any individual acting for the University under this policy has a conflict of interest or bias, such concern should be reported in writing to the Title IX Coordinator. Any concern regarding a conflict of interest or bias must be submitted within two (2) business days after receiving notice of the person's involvement in the process. The Title IX Coordinator or the Title IX Coordinator's designee(s) will review the concerns and take appropriate steps to ensure that no conflicts of interest exist on the part of anyone investigating or resolving a complaint under this policy.

If the Title IX Coordinator has a conflict of interest with respect to a complaint, the Title IX Coordinator's designee shall oversee adherence to this policy with respect to the complaint at issue OR the designee shall appoint an alternative person to oversee adherence to this policy with respect to the complaint at issue.

8. Time Frames for Resolution

The University is committed to the prompt and equitable resolution of allegations of sexual misconduct. In most cases, the University will conclude the grievance process within sixty (60) calendar days of receiving a complaint alleging a policy violation. Expected time frames for each phase of the process are set forth below. Generally, the University expects to complete the investigation within thirty (30) calendar days of receiving a Formal Complaint and the hearing within thirty (30) calendar days after completion of the investigation. Appeals will generally be resolved within twenty (20) calendar days of the appeal being submitted.

Circumstances may arise that require extended time frames based on the complexity of the allegations, the number of witnesses involved, the availability of the parties involved, witnesses being absent from campus, the effect of a concurrent criminal investigation, unsuccessful attempts at informal resolution, any intervening school break, vacation, or unforeseen circumstances.

In cases where an incident has also been reported to law enforcement, the University will not delay its investigation and resolution processes in order to wait for the conclusion of a criminal investigation or proceeding. The University will, however, comply with valid requests by law enforcement for cooperation in a criminal investigation. As such, the University may need to delay temporarily an investigation under this policy while law enforcement is in the process of gathering evidence. This process typically takes seven (7) to ten (10) calendar days. Once law enforcement has completed its gathering of evidence, the University will promptly resume and complete its investigation and resolution procedures.

In the event that the grievance process exceeds the expected time frame, the University will notify all parties of the reason for the delay and the expected adjustment in time frames. Efforts will be made to complete the process in a timely manner balancing principles of thoroughness, fairness, and promptness.

Complainants are encouraged to begin the complaint resolution process as soon as possible following an alleged sexual misconduct incident. There is no statute of limitation for reporting prohibited conduct to the University under this policy; however, the University's ability to respond may diminish over time, as evidence may erode, memories may fade, and respondents may no longer be affiliated with the University. If a complaint is brought forward more than four (4) calendar years after an alleged incident, the University, in its discretion, may decline to process a complaint under these procedures, but reserves the right to take other administrative action as appropriate depending on the specific circumstances of the complaint, and will provide reasonably appropriate remedial measures, assist the complainant in identifying external reporting options, and take reasonable steps to eliminate prohibited conduct, prevent its recurrence, and remedy its effects. If at least one party involved in the complaint is still a member of the University community as a student or employee, the complaint generally will be processed under these procedures.

9. Application of Policy

When the University receives a report or complaint of sexual misconduct, the University will apply the Policy that is in effect at the time of the report or complaint. The procedures applicable to the report or complaint will be those in effect at the time of the complaint resolution process. Regardless of the policy in effect, the University will fully comply with requirements imposed by Title IX, and other federal, state, and local law.

10. Reservation of Flexibility

The procedures set forth in this policy reflect the University's desire to respond to complaints in good

faith and in a manner that promotes fairness to all parties and fully comply with Title IX, and other federal, state, and local law. The University recognizes that each case is unique and that circumstances may arise which require deviation from this policy. Therefore, the University will modify the procedures or take other administrative action when appropriate under the circumstances.

B. Reporting, Initial Meeting, Review, Formal Complaint, and Notice

1. Report. Individuals who have experienced or who have knowledge of activities that may constitute sexual misconduct under this policy are encouraged to report those allegations to the Title IX Coordinator. Certain employees are required to report such allegations to the Title IX Coordinator.
2. Third Party and Anonymous Reporting: Any individual may make an anonymous report concerning an allegation of sexual misconduct. An individual may report the incident without disclosing his/her name, identifying individuals involved, or requesting any action. Depending on the level of information available about the incident or the individuals involved, anonymous reporting may impact the University's ability to respond. Making an initial anonymous report does not prevent an individual from choosing to follow-up with additional information or through a different reporting option.
3. Initial Meeting. The Title IX Coordinator will contact the Complainant promptly (usually within 2 business days) after receiving a report of sexual misconduct. The purpose of the initial meeting is to allow the Title IX Coordinator to gain a basic understanding of the nature and circumstances of the report or complaint; it is not intended to be a full investigation interview. During the initial meeting with the Complainant, which may occur in person, telephonically, or via videoconference, the Title IX Coordinator will:

- Receive from the Complainant the allegations of sexual misconduct;
- Discuss the availability of Supportive Measures and offer Supportive Measures;
- Explain to the Complainant that Supportive Measures are available with or without the filing of a Formal Complaint;
- Inform the Complainant of options for notifying law enforcement and accessing counseling services and medical treatment;
- Explain to the Complainant the process for filing a Formal Complaint; and
- Provide the Complainant with a copy of, or a link to, this policy. After

the initial meeting with the Complainant, the Title IX Coordinator will:

- Implement any reasonable Supportive Measures considering the Complainant's wishes regarding Supportive Measures and ensuring that any Supportive Measures are not punitive or disciplinary with respect to any Complainant or Respondent.

- Review the reported allegations and determine the risk of harm to individuals or to the campus community. Steps will be taken to address these risks in consultation with members of the Coordinated Community Response Team. The Title IX Coordinator will also assess the reported conduct for the need for a timely warning under the Clery Act; and assess for pattern evidence or other similar conduct by respondent.
4. Formal Complaint. The Title IX Coordinator is obligated to initiate the grievance process in this policy only when a Complainant files or the Title IX Coordinator signs a Formal Complaint. The Title IX Coordinator will consider the Complainant's wishes and will only sign a Formal Complaint to initiate the grievance process against the Complainant's wishes after consideration of all the known circumstances. Only the Title IX Coordinator can override a Complainant's decision not to pursue a Formal Complaint and only when justified by circumstances. Regardless of whether a Formal Complaint is filed, the Title IX Coordinator will continue Supportive Measures as indicated and encourage the Complainant to seek assistance as needed.
5. Notice. Upon receipt of a Formal Complaint, the Title IX Coordinator will promptly (usually within 5 business days) send to the parties notice of the allegations. The notice will provide the following information:
- The identity of the parties;
 - Sufficient details concerning the alleged conduct to permit the parties to prepare for an initial interview, including the date and location of the alleged conduct and the specific facts about the alleged conduct;
 - Respondents are presumed not responsible for the alleged conduct unless and until found responsible at the conclusion of the grievance process;
 - Parties have the right to select an Advisor of their choice, who may be, but is not required to be, an attorney;
 - An explanation of the application of the Preponderance of the Evidence standard to be used in the hearing;
 - A list of Supportive Measures available to both parties, including accommodations,¹ if needed, to participate in any part of the grievance process.
 - A list of potential Remedies and Sanctions the University may impose; and
 - A copy of, or a link to, this policy.
6. A Formal Complaint may be dismissed at any time during the grievance process for the following reasons:
- The Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations

therein;

- The Respondent is no longer a Buena Vista University student or employee; or
- Circumstances prevent the University from gathering enough evidence to reach a determination as to the Formal Complaint or allegations therein.

7. After a Formal Complaint is filed and sufficient investigation has been conducted to determine the conduct alleged, the University will make a determination as to whether the allegations meet the jurisdictional requirements and the definitions for prohibited sexual misconduct under Title IX. A party may appeal the University's decision that allegations do not meet the Title IX requirements in accordance with the appeal process set forth in this policy. When allegations do not meet Title IX requirements, the University will continue its investigation and grievance procedure, but will not be required to comply with the specific obligations under Title IX.

C. Informal Resolution Process

At any time after a Formal Complaint is filed and before a determination regarding responsibility, an Informal Resolution may be pursued if both parties consent to engage

¹ Students may initiate a request for accommodation with the Title IX Coordinator or by contacting Disability Services. Employees may initiate a request for accommodation with the Title IX Coordinator or Human Resources. Evidence from a healthcare professional to substantiate the need for accommodation will be required.

in the Informal Resolution process and the Title IX Coordinator agrees the case is appropriate for Informal Resolution. Informal Resolution is not an option if the Title IX Coordinator determines it is inappropriate for any reason or if the Formal Complaint alleges sexual harassment of a student by an employee; any form of sexual misconduct involving physical violence; and/or Sexual Assault, Domestic Violence, Dating Violence, or Stalking.

Informal Resolutions do not involve investigation or hearing. If both parties agree to pursue Informal Resolution, the Title IX Coordinator will meet with each party separately to obtain voluntary and written consent to the Informal Resolution process and provide both parties a written notice disclosing the allegations and the requirements of the Informal Resolution process including:

- The parties will be precluded from resuming the formal grievance process once an Informal Resolution is agreed upon, in writing, by the parties.
- At any time before an Informal Resolution is agreed upon, in writing, by the parties, either party may withdraw from the Informal Resolution process and the formal grievance process will resume.

The Informal Resolution process is intended to allow the Complainant and Respondent to reach a mutually agreeable resolution with the assistance of the Title IX Coordinator or the Title IX Coordinator's designee. The Informal Resolution process aims to assure fairness, to facilitate communication, and to maintain an equitable balance of power between the parties.

The Title IX Coordinator or the Title IX Coordinator's designee will not be an advocate for either the Complainant or the Respondent in the Informal Resolution process, but rather will aid in the resolution of problems as a neutral party.

The Title IX Coordinator is responsible for determining what method of Informal Resolution is appropriate for each specific case.

The University will not compel a Complainant or Respondent to engage in an Informal Resolution process, to directly confront the other party, or to participate in any particular form of Informal Resolution. In addition, the University always has the discretion to discontinue the Informal Resolution process and move forward with the formal grievance process.

The Informal Resolution process ends when a resolution has been reached or when the Complainant, the Respondent, or the University terminates the process. A successful Informal Resolution results in a binding agreement between the parties.

D. Formal Resolution Process

If the parties do not participate in the Informal Resolution process discussed above, or the Informal Resolution process is unsuccessful for any reason, the complaint will be processed according to the formal resolution process outlined below.

1. Investigation

The Title IX Coordinator will appoint one or more trained individuals to investigate the allegations and prepare an investigative report. The designated investigator(s) typically will be one or more of the following: the Campus Security Officer Investigator, the Director of Campus Security, or the Director of Human Resources. However, the University reserves the right to appoint any trained investigator. Investigators are trained to serve impartially and be free from conflicts of interest and bias.

Investigators are responsible for gathering evidence. Investigators have discretion to conduct the investigation and gather evidence in a manner suited to the allegations, the needs of the parties, and any unique circumstances. However, all investigations will include the following:

- Written notice of the date, time, location, and purpose of any interview or meeting when a party's participation is invited or expected, with enough time to prepare (usually 2 business days unless a party consents to shorter notice);
- Equal opportunity for each party to select an Advisor of the party's choice to attend interviews, meetings, and hearings;
- Interviews of each party conducted by the same investigator(s).
- Equal opportunity for each party to provide the investigator(s) with inculpatory and exculpatory evidence.
- Parties who elect not to participate in the investigation will have the opportunity to offer evidence during the hearing and/or appeal stages of the

process, though failure to offer evidence prior to an appeal does not constitute grounds for appeal on the basis of new evidence.

- Equal opportunity for each party to provide the investigator(s) with information regarding fact and expert witnesses.
- Witness interviews if information provided by a party indicates there are witnesses with relevant information. Witnesses are expected to cooperate with and participate in the University's investigation. Any witness scheduled to participate in a hearing must have been interviewed first by the investigator(s) unless all parties consent to the participation of that witness in the hearing.
- A preliminary investigative report containing evidence gathered during the investigation. The report must be provided to all parties and Advisors simultaneously for their review and all parties must have an equal opportunity (at least ten days) to review and submit a written response, which may not exceed 2,500 words in length, to the evidence presented in the preliminary investigative report. The written response may be used as an opportunity to clarify points in the investigation report or identify information previously given to the investigator(s) that is not included in the investigation report which the party believes should have been included. While the parties may be assisted by their Advisors in preparation of the written response, the written response must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf.
- Confidential information in the investigation file may be redacted from the file to the extent it is not required to be shared with all parties. The parties' access to the investigation file generally will be provided during normal business hours in a designated physical or virtual location. The investigation file may not be removed from that location, nor can copies be made or pictures taken of the file contents.
- The investigator must consider the written responses submitted by the parties prior to completing the final investigative report. A copy of the final investigative report fairly summarizing the relevant evidence must be provided to all parties and Advisors simultaneously at the conclusion of the investigation.
- The investigator must maintain a complete investigative file including records of interviews, all evidence (including, without limitation, the written complaint, information, documents, and recordings), the preliminary investigative report, any written responses provided by the parties to the investigative report, and the final investigative report. The investigation file will be forwarded to the Title IX Coordinator. The investigative file must be maintained for 7 years following the resolution of the case.
- Neither the investigation nor the hearing may include a party's medical or psychiatric records made by any medical professional or paraprofessional unless that party's voluntary, written consent to the use of such records is obtained.

- Neither the investigation nor the hearing may include the past sexual history or sexual character of the Complainant except in the unusual situation that such information is determined to be relevant. All such information sought to be included will be presumed irrelevant, and any request to overcome this presumption must be reviewed by the Title IX Coordinator.
- General character or reputation evidence generally will not be considered relevant and will not be included in the investigation. The investigator(s) may choose not to interview character witnesses and/or not to include information from character witnesses in the investigation report.

2. Adjudication/Hearing

1. After the investigation is concluded and the final investigative report is complete, the Title IX Coordinator will designate one or more individuals (usually 2 University employees but the Title IX Coordinator has discretion to designate non-employees) trained to serve impartially and free from conflicts of interest and bias to serve as decision-makers. The Title IX Coordinator will consult with the parties, their Advisors, and the decision-maker(s) and will determine a hearing date (usually within 10 to 30 business days after the final investigative report is provided to the parties).
2. Decision-makers are responsible for the orderly and civil conduct of the hearing. Decision-makers have discretion to determine the order of the hearing in a manner suited to the evidence presented, the needs of the parties, and any unique circumstances within the requirements of Title IX provided the parties are treated equally. However, all hearings will adhere to the following:
 - Parties will have equal opportunity to present witnesses and other inculpatory and exculpatory evidence.
 - Parties will have equal opportunity to have an Advisor present.
 - In cases that meet the jurisdictional and misconduct definitions set forth in Title IX, each party's Advisor will be permitted to ask the other party and any witnesses relevant questions and follow-up questions, including to challenge credibility. If a party does not have an Advisor at the hearing to conduct cross-examination, the University will provide an Advisor to question the other party and any witnesses. In non-Title IX cases, the decision-makers will be responsible for asking witnesses relevant questions and follow-up questions. In non-Title IX cases, the parties may submit to the decision-makers questions and/or areas of inquiry and the decision-makers will ask questions calculated to obtain relevant information.
 - The hearing may be held in-person or remotely using videoconferencing that allows the parties to simultaneously see and hear the party or the witness answering questions. At the request of either party, the University will utilize technology that allows the parties to be in separate rooms for a live hearing.

- In Title IX cases, decision-makers may exclude questions posed by Advisors as not relevant but must explain any decision to exclude a question as not relevant.
 - In Title IX cases, the University must create an audio, audiovisual, or transcription of any live hearing and make it available to parties for inspection and review. The University may choose to record hearings in non-Title IX cases.
3. Decision-makers have sole authority to set and enforce hearing rules. Prior to the hearing, decision-makers may require parties and/or advisors to attend a prehearing meeting with one or more decision-makers to review the hearing order and procedures. Provided the parties are treated equally, decision-makers may:
- Limit the time available for questioning each party and each witness;
 - Limit the number of witnesses if the information to be provided is duplicative;
 - Exclude character witnesses;
 - Allow breaks for any reason, including to allow parties to consult with Advisors;
 - Remove Advisors for disruptive behavior, including but not limited to, questioning a party or witness in an abusive, intimidating, harassing or disrespectful manner. Advisors will be given one warning before removal unless the behavior, in the judgment of the decision-maker, is egregious enough to warrant immediate removal. If an Advisor is removed, the hearing will be suspended to permit an alternative Advisor to be obtained or assigned. Note that cross-examination by Advisors is only permitted in Title IX cases, but Advisors may be removed for disruptive behavior in Title IX and non-Title IX cases.
4. After considering the evidence presented in the hearing, the decision-maker(s) will apply the Preponderance of the Evidence standard of proof to the evidence presented and determine whether the Respondent is responsible or not responsible for each allegation. The decision-maker(s) will consult with the Title IX Coordinator regarding available Sanctions and Remedies and provide to the Title IX Coordinator a written determination regarding responsibility including:
- Identification of allegations that constitute conduct prohibited by Title IX and/or this policy;
 - Description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
 - Findings of fact supporting the determination;

- Conclusions regarding the application of the University's policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any Sanctions to be imposed on the Respondent, and whether Remedies designed to restore or preserve equal access to the University's Education Program or Activity will be provided to the Complainant; and
- The University's procedures and permissible bases for the Complainant and Respondent to appeal.

After reviewing the written determination, the Title IX Coordinator will simultaneously provide the written determination to both parties. Sanctions when a Respondent is found responsible for sexual misconduct under this policy may include, but are not limited to, the following:

- Required assessment, education, or training;
- Probation;
- Warnings;
- Loss of privileges;
- Fines;
- Restitution;
- Behavioral contracts;
- Community service hours;
- Campus housing suspension, ranging from the remainder of a semester up to permanent separation from campus housing;
- Temporary or permanent restricted access to areas of campus, and campus events, activities, organizations, or courses;
- Conditions upon presence on campus or at University events;
- No trespass or no contact orders;
- Removal or non-renewal of scholarships or honors;
- Suspension from the University, ranging from the remainder of a semester up to permanent separation from campus housing;
- Expulsion from the University;
- Loss of salary or benefit such as sabbatical or research or travel funding;
- Suspension of promotion and salary increments;
- Suspension or withdrawal of faculty privileges;
- Transfer or change of job or responsibilities;
- Reassignment or removal from an elected or appointed position;
- Formal censure;
- Revocation of tenure;
- Demotion;
- Termination of employment.

When a process results in a determination of responsibility, the Title IX Coordinator will consult with the investigator(s), the Complainant, and others as needed to determine appropriate remedies to restore or preserve the Complainant's equal access to the University's Education Programs and

Activities. Such remedies may include, but are not limited to, the following:

- Changing residency, dining, or transportation arrangements;
- Special parking arrangements;
- Assistance in finding alternative housing;
- Changing an individual's student or employee status or job responsibilities;
- Changing an individual's work or class schedule;
- Providing academic accommodations or providing assistance with academic issues;
- Providing security escorts;
- Providing a temporary cellphone;
- Access to counseling and medical services;
- Making information about protective orders and criminal no contact orders available to a complainant;
- Assistance identifying an advocate to help secure additional resources or assistance, including off-campus and community advocacy, support, and services.

Remedies designed to address the University community include increased monitoring, supervision, and/or security at locations or in connection with activities where the prohibited conduct occurred or is likely to reoccur and targeted or broad-based educational programming or training for relevant persons or groups.

When a hearing results in a finding that a campus organization (such as a student club, athletic team, campus academic department, staff/faculty committee) is responsible for behavior involving sexual misconduct, the organization may be sanctioned. Sanctions to the organization may include, but are not limited to, loss of funding and loss of recognition by the University. Individual members of the organization may also be Respondents and may be subject to the sanctions listed above after a grievance process. All University organizations/departments are responsible for the actions of their members operating on behalf of the organization/department.

Any concern about a violation of an imposed sanction or failure of a remedy should be reported to the Title IX Coordinator promptly.

3. Appeals

1. Any party may utilize the appeal process to appeal:

- The determination, following a hearing, that a Respondent is responsible or not responsible for alleged misconduct.
- The University's decisions to handle a Formal Complaint or any allegations within a Formal Complaint outside the Title IX process for not meeting the jurisdictional requirements or definitions of prohibited conduct under Title IX.

2. Appeals must be submitted within 5 business days after the written determination to be appealed is provided to both parties, and must be based on one or more of the following bases:

- Procedural irregularity that affected the outcome of the matter;

- New evidence that was not reasonably available at the time of the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- Evidence that the Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

Failure to file a timely appeal constitutes a waiver of any right to an appeal.

3. When an appeal is filed, the Title IX Coordinator will notify the other party and appoint one or more appeal decision-makers (usually a panel of 1) who were not previously involved in the case.
4. The appeal decision-maker(s) will determine whether the appeal is based on one or more of the three permissible bases for appeal. In an appeal the burden of proof is on the appealing party to show that it is more likely than not that one or more of the above grounds for appeal are satisfied. If the appeal is permitted, the parties will be notified that they may submit written statements in support of, or challenging, the determination regarding responsibility or the dismissal within 5 business days. The appeal statements may not exceed 2,000 words in length. While the parties may be assisted by their advisors in preparation of the appeal, the appeal statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf. If the appeal is not permitted, because it does not meet one of the permissible grounds for appeal, the parties will be notified that the original written determination stands and no appeal will be considered.
5. If the appeal is permitted and written statements are received, upon receipt of the written statements, the appeal decision-maker(s) will review and consider the statements, decide whether to uphold the original decision(s) or require additional proceedings to allow consideration of new evidence and/or remedy a procedural irregularity, conflict of interest, or bias that affected the original decision. The appeal decision-maker(s) will prepare a written decision describing the result of the appeal and the rationale for the result. The written decision will be provided to the Title IX Coordinator for review and the Title IX Coordinator will provide the written decision to the parties simultaneously and initiate any actions necessary to correct issues in the original decision. The decision made by the appeal decision-maker(s) is final.
6. If the appeal decision-maker(s) remands the case for additional proceedings, the results of a revised investigation can be subsequently forwarded for reconsideration at the hearing level at the discretion of the Title IX Coordinator. If the appeal decision-maker(s) remands to the original decision-maker(s) for review, the reconsideration of the original decision-maker(s) is not appealable.
7. In rare cases where a procedural error cannot be cured by the original decision-maker(s) (as in cases of bias), the appeal decision-maker(s) may order a new hearing with new decision-maker(s). The results of a reconvened hearing cannot be appealed. The results of a new hearing can be appealed, once, on any of the three applicable grounds for appeals.

8. Sanctions generally will take effect immediately, notwithstanding an appeal. A request may be made to the Title IX Coordinator 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.

IX. Recordkeeping for Sexual Misconduct Complaints

The Title IX Coordinator, in coordination with the Office of Human Resources and the Office for Student Success as appropriate, is responsible for maintaining records relating to reports, investigations and resolutions of allegations of violations of this policy. If the Respondent is a member of the faculty, staff, or administration and has been found to be in violation of the Sexual Misconduct Policy, a written record of the determination shall be kept as part of the employee's personnel record. If the Respondent is a student and has been found to be in violation of the Sexual Misconduct Policy, a written record shall be kept as part of the student conduct record. Records will also be maintained in accordance with University records policies and applicable law, 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 Director or Vice President for Student Success/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.

X. No Retaliation

The University and Title IX prohibit retaliation against any individual who makes a good faith report of a potential violation of this policy, who supports another person's report, who acts as a witness in any investigation into a complaint or otherwise participates in a complaint resolution process, or who opposes a practice or conduct that the person reasonably believes is in opposition to this policy. Encouraging or assisting others to engage in retaliation also violates this policy. Retaliation includes any form of intimidation, threats, coercion, reprisal, or harassment. Retaliatory actions may include, but are not limited to: acts or comments that are intended to discourage a person from engaging in activity protected under this policy or that would discourage a reasonable person from engaging in activity protected under this policy; acts or comments intended to embarrass the individual; seeking to influence the participation or statements of parties or witnesses, or taking adverse action against them; adverse changes in employment status or opportunities; adverse academic action; and adverse changes to academic, educational and extra-curricular opportunities. Retaliation may be in person, through social media, email, text, and other forms of communication, and it may be committed by parties to the complaint resolution process, their friends or representatives, or any other person. Retaliation may be present against a person even when the person's allegations of prohibited conduct are not substantiated.

Any concerns of retaliation should be reported to the Title IX Coordinator. The University will take appropriate action against any individual who retaliates against another person in violation of this policy.

XI. Complaints of Retaliation, Violation of Supportive Measures, and Violation of Sanctions

Any complaint relating to retaliation in violation of this policy, violations of Supportive Measures, or violations of Sanctions should be reported promptly to the Title IX Coordinator. The University will take appropriate action against any individual who retaliates against another person in violation of this policy or who violates Supportive Measures or Sanctions.

When the University receives a complaint of retaliation or of violations of Supportive Measures or Sanctions, the Title IX Coordinator may exercise discretion to determine an appropriate responsive process based on the facts and circumstances. At the Title IX Coordinator or the Title IX Coordinator's designee(s)' discretion, options for resolution include but are not limited to informal discussions and resolution facilitated by the Title IX Coordinator or the Title IX Coordinator's designee(s) or assignment of a designated individual to investigate the complaint and determine an appropriate response. This process will be separate and distinct from the grievance process outlined above for addressing sexual misconduct complaints. The Title IX Coordinator or the Title IX Coordinator's designee(s) will document the complaint received, the process used, and the outcome. The University will notify the parties of the outcome of the complaint. Any party with concerns about the process or outcome should consult with the Title IX Coordinator.

XII. Alternative Procedures

Nothing in this policy is intended to interfere with the right of any individual to pursue other avenues of recourse which may include, but is not limited to, filing a complaint with the United States Department of Education's Office for Civil Rights (OCR).

The OCR office for institutions located in Iowa is:

U.S. Department of Education Office
for Civil Rights Citigroup Center
230 S Dearborn Street, 37th Floor Chicago, IL
60604

Telephone: (312) 730-1560
Facsimile: (312) 730-1576 Email:
OCR.Chicago@ed.gov

XIII. Consensual Relations Policy

1. 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.

2. 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.

3. 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.

(Approved by the Faculty, December 14, 2011)

XIV. Support Resources

What to do if you experience sexual violence:

- Get to a safe place.
- Call 911 if in immediate danger, if you are injured, or if the community is in possible danger.
- Consider securing immediate professional support on or off campus to assist you in the crisis.
- Seek medical attention, regardless whether you choose to report or not.
- Take steps to preserve evidence, which may be necessary to the proof of criminal sexual violence or in obtaining a protective order. It is very important to preserve evidence. You may not know right now whether you will contact the police. But in case you later decide to, the evidence available immediately after the assault is crucial. To preserve evidence follow these recommendations: Prior to seeking medical attention, do not shower, bathe, wash your hands, brush your teeth, use the toilet or clean up in any way. Bring another set of clothes to the hospital since clothes will be collected as part of the evidence. If you

have changed clothes, bring your soiled clothing with you for evidence collection. Physical evidence can be collected up to 120 hours after an assault.

- Report to the police, if you so choose.
- Talk to a counselor. Even after the immediate crisis has passed, contact confidential on-campus and/or off-campus resources—for emotional support, information, and/or advocacy.
- Report the conduct to the Title IX Coordinator by email at titleix@bvu.edu or by phone at 712-749-2061, if you choose to do so, so that the University may take appropriate action. The Title IX Coordinator can arrange for supportive measures to be put in place, even if you choose not to file a Formal Complaint. The University will also assist in any needed advocacy for

community members who wish to obtain a protective order from local authorities. Alternatively, you can contact the Court Clerk located at the Buena Vista County Courthouse to obtain a civil protective order.

Confidential Support and Counseling: Individuals may contact on-campus and off-campus counselors, or members of the clergy and chaplains for confidential counseling regarding any sexual misconduct 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 resolution process described above.

Please see below for additional resources:

Emergency Contacts

24-Hour Emergency – Local law enforcement: 911

24-Hour Emergency – Campus Security: 712-749-2500

On-Campus Places to Report Sexual Misconduct

- Title IX Coordinator: Erin Heuton, 712-749-2061, titleix@bvu.edu, Human Resources Office – Dixon Eilers 102;
- Campus Security: 712-749-2500; security@bvu.edu, Student Success Office – Siebens Forum;
- Human Resources Director: Katie McKibben, 712-749-2049, humanresources@bvu.edu, Human Resources Office – Dixon Eilers 102; or
- Vice President for Student Success: Jamii Claiborne, 712-749-2656, claiborne@bvu.edu, Student Success Office – Siebens Forum.

On-Campus Confidential Resources and Support

- Counseling Services, (712) 749-2123, Dixon Eilers 208
- Health Services, (712) 749-1238, Dixon Eilers 207
- Chaplain, (712) 749-2111, Center for Diversity & Inclusion - Siebens Forum

Off-Campus Places to Report Sexual Misconduct

- 911 (for emergencies)
- Storm Lake Police Department, (712) 732-8010, 401 E. Milwaukee, Storm Lake, IA 50588, policedepartment@stormlake.org
- Buena Vista Sheriff's Department, 411 Expansion Blvd., Storm Lake, IA 50588, bvso@bvsheriff.com

Off-Campus Confidential Resources and Support

- CAASA (Centers Against Abuse and Sexual Assault) www.caasaonline.org Storm Lake: (712) 732-8120, 24-hour crisis line: (877) 362-4612
- Family Crisis Centers, Sioux County Office: (712) 722-4404, 24-hour crisis line: (800) 382-5603, www.familycrisiscenters.org
- Iowa Victim Service Call Center: text 'IOWAHELP' to 20121, 24-hour crisis line: (800) 770-1650

Health Care Options

Sexual Assault Nurse Examiners (SANEs) available at area hospitals

- Buena Vista Regional Medical Center, 1525 W 5th Street, Storm Lake, IA 50588, 712-732-4030

Buena Vista Regional Medical Center provides sexual assault care services and assistance to victims of rape and sexual assault 24 hours per day. Sexual Assault Nurse Examiners (SANEs) perform a special exam and collect evidence in a "rape kit." There is no charge for the SANE exam.

You can have a SANE exam within 120 hours after the rape or sexual assault. The purpose of the SANE exam is to collect forensic evidence, receive preventative health care, and see if you have any physical injuries that need tending. The exam will take place at the sexual assault exam site, in a confidential room with trained staff and volunteers. During the exam, the SANE will collect evidence such as your clothing, DNA swabs, etc. Prior to the exam, preserve all evidence and do not shower, bathe, change clothes, douche, brush teeth, drink or eat, or throw away any clothing until police or medical personnel say it is okay. If you have done any of the above, it is still possible to do an exam, but it is not as effective. So if possible, please try to avoid any of these actions.

Online, Site & Graduate Students

In addition to the information above, if you are a student at an Online, Site or Graduate location and need assistance, please call 911 for emergencies.

You can also:

- Call your local police department.
- For a confidential resource, you can contact the University Counselor at 712 - 749-2123.
- If you want to report sexual misconduct, you can contact the Title IX Coordinator at 712-749-2061 or titleix@bvu.edu.
 - The University Counselor and Title IX Coordinator can direct you to local support resources in your area.
- Site locations have resource packets available listing additional resources.

Victim Services and Legal Information and Assistance

- CAASA (Centers Against Abuse and Sexual Assault) www.caasaonline.org Storm Lake: (712) 732-8120, 24- hour crisis line: (877) 362-4612
- Family Crisis Centers, Sioux County Office: (712) 722-4404, 24-hour crisis line: (800) 382-5603, <http://www.familycrisiscenters.org>

- Iowa Justice For Our Neighbors, (515) 255-9809, <http://www.iowajfon.org>
- U.S. Department of Education, Office for Civil Rights (OCR): 400 Maryland Ave. SW, Washington, DC, 20202-1100
 - Customer Service Hotline: (800) 421-3481, Facsimile: (202) 453-6012, TTY#: (800) 877-8339, OCR@ed.gov

Visa and Immigration Assistance

- Iowa Justice For Our Neighbors, (515) 255-9809, www.iowajfon.org
- CAASA (Centers Against Abuse and Sexual Assault) www.caasaonline.org Storm Lake (712) 732-8120

Student Financial Aid

Financial Aid Office: 800-383-2821

Other resources

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

http://www.icadv.org/	Iowa Coalition Against Domestic Violence
http://www.iowacasa.org	Iowa Coalition Against Sexual Assault Male Survivors of Abuse
http://www.rainn.org	Rape, Abuse and Incest National Network
http://www.ovw.usdoj.gov/sexassault.htm	Department of Justice
http://www2.ed.gov/about/offices/list/ocr/index.html	Department of Education, Office of Civil Rights

Sex Offender Registration: In accordance with the federal Campus Sex Crimes Prevention Act, which is a federal law 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. This information is also available by contacting the Buena Vista County Sheriff's Department, County Courthouse, Storm Lake, Iowa 50588, (712) 749-2530.

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. It 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; and participating in the Spring and Fall Faculty orientation program.

The University offered the following **primary, ongoing prevention, awareness, and passive educational programs for 2025:**

<u>Name of Program</u>	<u>Sponsor</u>	<u>Date Held</u>	<u>Which Prohibited Behavior Covered?</u>
SPRING 2025			
New Employee Preventing Harassment and Discrimination Training	Human Resources	Spring 2025	SA, DoV, DaV, S
Class Discussion, Presentations, and Readings about Domestic Violence, Drugs, and Alcohol	EDCO 250	Spring 2025	DoV, SA, DaV
Class Lecture and Discussion	EXSC 310	Spring 2025	Alcohol and Drugs
Class Readings and Discussions	SCWK/SOCI 100	Spring 2025	DaV, DoV, Alcohol and Drugs
Reading and Discussions	CMHC 531	Spring 2025-Term 3	SA, DoV, DaV
Reading and Discussions	GMHC 591	Spring 2025-Term 3	SA, DoV, Alcohol and Drugs
Final Project and Readings	GMHC 560	Spring 2025-Term 4	SA, DoV, Alcohol and Drugs
Case Conceptualization and Discussions	CMHC 592	Spring 2025-Term 4	SA, DoV, DaV, Alcohol and Drugs
Mental Health Thursday Booth	Campus Security	January 23, 2025	Drugs and Alcohol
Consent Booth	Campus Security	January 28, 2025	SA, DaV, DoV, Stalking, Alcohol, Drugs
Active Bystanders on Campus	Campus Security	February 15, 2025	SA, DaV, Alcohol
Spring Break	Campus Security	February 25, 2025	SA, Drugs, Alcohol

St. Patrick's Day Booth	Campus Security	March 11, 2025	SA, Drugs, Alcohol
Sexual Assault Awareness Month Booth	Campus Security	April 1, 2025	SA, DaV, DoV, S, Alcohol, Drugs
ADSAA Carnival	Campus Security	April 4, 2025	SA, DaV, DoV, S, Alcohol, Drugs
FALL 2025			
New Employee Preventing Harassment and Discrimination Training	Human Resources	Fall 2025	SA, DoV, DaV, S
Class Discussion, Presentations, and Readings about Domestic Violence, Drugs, and Alcohol	EDCO 250	Fall 2025	DoV, SA, DaV
Group Project, Readings, and Class Discussions	GPSC 536	Fall 2025-Term 1	SA, DoV, DaV
Reflections, Readings, and Class Discussions	CMHC 558	Fall 2025-Term 1	SA, S, DaV, DoV, Alcohol and Drugs
Title IX Training with Resident Assistants	Title IX Coordinator/Human Resources	August 15, 2025	SA, S, DaV, DoV
Title IX Presentation to Fall Athletes	Title IX Coordinator/Human Resources	August 15, 2025	SA, S, DaV, DoV
Title IX Presentation to Football Athletes	Title IX Coordinator/Human Resources	August 13, 2025	SA, S, DaV, DoV
Poster Campaign in Dorms	Campus Security	September 7, 2025	SA, S, DoV, DaV, Drugs, and Alcohol
Consent Booth	Campus Security	September 9, 2025	SA, S, DoV, DaV, Drugs, and Alcohol
Donut Haze	Campus Security	September 25, 2025	SA, Alcohol, and Drugs
Halloween Alcohol Awareness	Campus Security	October 13, 2025	Alcohol
Alcohol, Drug, and Amnesty Policy Talk	Resident Assistants/Campus Security	October 30, 2025	Alcohol and Drugs
Essay and Class Discussions	GPSC 540	Fall 2025-Term 2	Alcohol and Drugs
Class Lecture	PSYC/SOCI 111	December 4, 2025	DaV, DoV
Class Lecture	EXSC 310	Fall 2025	Alcohol and Drugs

How to Be an Active Bystander:

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

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.” (1) We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list (2) of some ways to be an active bystander. Further information regarding bystander intervention may be found. If you or someone else is in immediate danger, call Campus Security at (712) 749-2500 or the local police by dialing 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

1. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
2. Be direct, delegate responsibility, or cause a distraction when you see a person secludes, hit on, tries to make out with, or has sex with people who are incapacitated.
3. Intervene when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to on- or off-campus resources listed in this document for support in health, counseling, or with legal assistance.

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

(2) Bystander intervention strategies adapted from Stanford University's Office of Sexual Assault & Relationship Abuse

Risk Reduction:

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

- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Walk with purpose. Even if you don't know where you are going, act as you do.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Make sure your cell phone is with you and charged and that you have cab money and/or an on-demand driver app loaded.
- Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- When you go to a social gathering, go with a group of friends. Arrive together, check-in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a

bad situation.

- Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
- Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
- Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
- Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
- If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
- If you need to get out of an uncomfortable or scary situation, here are some things that you can try:
 1. Remember that being in this situation is not your fault. You did not do anything wrong; it is the person who is making you uncomfortable that is to blame.
 2. Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
 3. Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
 4. Lie. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
- Try to think of an escape route. How would you try to get out of the room? Where are the doors?
 - Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
- If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

Hazing Policy

Stop Campus Hazing Act Compliance

The Stop Campus Hazing Act (S.2901, H.R.5646), enacted on December 23, 2024, mandates strict measures to eradicate hazing and ensure student safety. This policy aligns with Iowa Code § 708.10.

Prohibition of Hazing

Buena Vista University (BVU) strictly prohibits all forms of hazing. Hazing contradicts BVU's mission, values, and commitment to student safety. No student, organization, or BVU representative shall engage in, encourage, or assist in hazing. Any individual aware of hazing must report it immediately.

Definition of Hazing

Hazing means any intentional, knowing, or reckless act committed by a person (individually or in concert with other persons) against another person(s) regardless of the willingness of such other person(s) to participate, that is done in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization of Buena Vista University, and that causes or creates a risk of physical or psychological injury above the reasonable risk in participation in the institution or the organization itself.

The term includes, but is not limited to, whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity; causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity; causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances; causing, coercing, or otherwise inducing another person to perform sexual acts; any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct; any activity against another person that includes a criminal violation of local, State, Tribal, or Federal law; and any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, Tribal, or Federal law. any brutality of a physical nature, such as whipping, beating, branding, forced consumption of any food, liquor, drug, or other substance or any other forced physical activity which could adversely affect the health and safety of the individual or individuals to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct which could result in extreme embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the individual or individuals, or any willful destruction or removal of public or private property.

The term also includes “forced activity” as defined under Iowa Code § 708.10(1)(a), meaning any activity that is a condition of initiation or admission into, or affiliation with an organization, regardless of a student’s willingness to participate in the activity. Implied or expressed consent or willingness of a person or persons to hazing shall not be a defense, and any forced activity related to initiation or membership in an organization is prohibited.

Definition of a Student Organization

A student organization is defined as an organization at an institution of higher education (such as a club, society, association, varsity or junior varsity athletic team, club sports team, intermural, fraternity, sorority, band, choir, or student government) in which two or more of the members are students enrolled at the institution of higher education, whether or not the organization is established or recognized by the institution.

Reporting Procedures

Hazing can be reported through multiple channels, including both to the institution and to external authorities

Reporting to the Institution

Any individual who believes they have been the victim of hazing, or anyone who has knowledge or observes conduct that may constitute hazing, is required to report it immediately. Hazing can be reported via telephone, email, or in person to Buena Vista University’s Office of Campus Security.

- Reports can be made in person to the Campus Security Office located in the Student Success suite in the Harold Walter Siebens Forum in Room 205D
- Calls can be made directly at 712.749.2500
- The office can be emailed at security@bvuv.edu

Phone conversations can be anonymous, but note that they require follow-up questions to obtain important information needed to move forward with an investigation.

The following University personnel can also be contacted to report hazing:

- Campus Security: 712.749.2500, security@bvu.edu, Student Success Office – Siebens Forum 205D
 - Associate Dean for Student Success & Residence Life: John Salazar, 712.749.2659, salazarj@bvu.edu, Student Success Office – Siebens Forum 204D
 - Vice President for Student Success: Dr. Jamii Claiborne, 712.749.2656, claiborne@bvu.edu, Student Success Office – Siebens Forum 205L
 - Director of Athletics: Amy Maier, 712.749.2254, santuccia@bvu.edu, Athletics – Siebens Fieldhouse 105
 - Assistant HR Director/Title IX Coordinator: Erin Heuton, 712.749.2061, titleix@bvu.edu, Human Resources Office – Dixon-Eilers 102
- For confidential support, contact:
- Counseling Services: 712.749.2123, Dixon-Eilers 208
 - Health Services: 712.749.1238, Dixon-Eilers 207
 - Chaplain: 712.749.2111, Student Success Office – Siebens Forum

Anonymous Reporting Form

To report anonymously, visit the [Campus Security website](#) and use the form provided. To enable an effective response, please provide specific details, including the names of those involved, as well as the date, time, and location of the incident. Link to the anonymous reporting form:

<https://www.bvu.edu/sites/default/files/2018-08/confidential-reporting-form.pdf>

Who Can Report

Hazing incidents can be reported by the victim, involved parties, faculty, staff, parents, friends, community members, or anyone concerned about a student, employee, group, or organization.

What to Include in Your Report

When reporting, please provide as much detail as possible, including:

- Name of the organization involved in hazing
- Date, time, and location of the event(s)
- Individuals involved and any witnesses (with contact information if available)
- How you became aware of the incident(s)
- A detailed description of the event(s)
- Any documentation, videos, or photographs, if applicable
- Your contact information (if not reporting anonymously)

If you wish to report anonymously, please include as much detail as possible. You may also request a meeting with a staff member without providing identifying information. The staff member will explain the process and, to the extent possible, record the information without including identifying details. Meetings can be conducted in person, via phone, or via email.

Support for Victims

The university provides resources, including counseling, academic accommodations, and trauma support, according to the nature and seriousness of the incident.

Reporting to the Law Enforcement

Individuals who believe they have been subjected to hazing are strongly encouraged to notify local law enforcement. To report hazing to local law enforcement, contact:

- Emergency: Dial 911
- Storm Lake Police Department: 712.732.8010, 401 E. Milwaukee Avenue, Storm Lake, IA 50588, policedepartment@stormlake.org
- Buena Vista County Sheriff's Department: 712.749.2530, 411 Expansion Blvd., Storm Lake, IA 50588, bvso@bvsheriff.com

Reporting to law enforcement is not required for the University to initiate its own investigation or resolution process.

Retaliation

Victims of hazing may fear retaliation from individuals or organization members for reporting incidents. The university strictly prohibits retaliation against any individual who makes a good faith report of hazing or participates in an investigation, hearing, or court proceeding related to suspected misconduct.

Prohibition on Retaliation

Retaliation against individuals who report hazing is a violation of the University's Student Code of Conduct/Community Standards and Employee Handbook. Students and employees who retaliate will face disciplinary action, up to and including termination for employees.

Investigation Process

1. Initial Review

- Assessment of Incident: Upon receiving a report, university officials (e.g., Student Success, Residence Life, Human Resources, or Campus Security) assess whether the behavior constitutes hazing under university policy.
- Safety and Immediate Actions: If necessary, the university may take immediate steps to ensure the safety of individuals, including the temporary suspension of individuals or organizations under investigation.

2. Investigation Process

- Investigator Assignment: An investigator or team will be designated, with the possibility of an external investigator.
- Evidence Gathering: Investigators collect relevant evidence, including:
 - Interviews with the complainant, victims, witnesses, and suspects.
 - Physical evidence (e.g., videos, photos, social media content).
 - Statements from community members or organizations involved.
- Documentation: All evidence and interviews are documented for transparency and accuracy.
- If the investigation reveals that the allegations of hazing constitute a violation of the University's Title IX policy, the Title IX Policy and procedure will be used.

3. Determination of Policy Violation

- **Policy Comparison:** Investigators evaluate the evidence against university policies to determine if hazing occurred. Hazing typically involves actions that endanger physical or mental health or create unreasonable risks, cause humiliation, or are intended to initiate someone into a group.
- **Additional Violations:** Investigators also assess if other university policies (e.g., alcohol, harassment, violence) were violated.

4. Resolution and Sanctions

- **Decision Making:** After reviewing evidence, investigators submit reports to the conduct board (for students) or Human

Resources (for employees) to determine violations and potential disciplinary actions.

- **Sanctions for Individuals:** Possible sanctions include:
 1. Warnings, probation, suspension, expulsion.
 2. Fines, restitution, mandatory education, or counseling.
 3. Additional sanctions for students are listed below consistent with the BVU Code of Conduct.
- **Sanctions for Groups:** Organizations found responsible may face:
 1. Suspension or revocation of recognition.
 2. Loss of privileges, access to funding, or activity restrictions.
 3. Probation or mandatory training or counseling.
 4. **Review of Organizational Practices:** Involved groups may undergo a review and reform of their activities and culture to prevent recurring issues.

5. Appeals Process:

- Both the accused individual or organization and the complainant typically have the right to appeal the decision, or the sanctions imposed.
- **Appeals by Organizations or Entities:** Organizations found in violation of this policy may appeal the decision and any sanctions to the Vice President for Student Success. Appeals must be submitted in writing within three business days of notification. The Vice President will review the appeal and provide a final, binding decision. This is the only avenue of appeal for hazing-related decisions and sanctions.

6. Public Communication and Transparency

- **Reporting to the Community:** Depending on the severity of the incident, the university may disclose the outcome to the broader community, especially if public safety is at risk, through BVU Alerts.
- **Collaboration with Law Enforcement:** If the hazing incident involves criminal behavior (e.g., physical assault, abuse, or illegal substances), the university may also report the incident to local law enforcement, who may conduct a parallel investigation.

The University is expected to handle hazing incidents swiftly and fairly while ensuring that all individuals' rights are protected throughout the process. This process is crucial to balance transparency, due process, and the wellbeing of all involved students, faculty, and staff.

Disciplinary Sanctions

Students found responsible for hazing will face disciplinary actions, as outlined in the BVU Code of Conduct. Sanctions may include:

- **Disciplinary Warning:** A written notice that a student's behavior violated the BVU Code of Conduct, with potential for more severe actions upon recurrence.
- **Disciplinary Probation:** A probationary period where the student's conduct is monitored. Violations during this time may result in suspension or expulsion. Probation may include restrictions such as:
- **Denial of participation in intercollegiate athletics, co-curricular activities, intramural sports, or social functions.**

- Financial restitution for damage to property.
- Housing restrictions, including restricted access to certain on-campus residential living spaces or restriction from all residential living areas.
- Suspension: Withdrawal from classes and campus for 6 to 12 months. A suspension is noted on the student's transcript and may require conditions for reinstatement.
- Expulsion: Permanent separation from the University. Expulsion is recorded on the student's transcript and prohibits access to campus without approval.
- Legal Consequences: In the State of Iowa, a person who commits an act of hazing is guilty of a simple misdemeanor. A person who commits an act of hazing that causes serious bodily injury to another is guilty of a serious misdemeanor and will be referred to civil authorities for prosecution. BVU will report hazing violations to the appropriate authorities as required by law.

Prevention & Awareness Programs

Buena Vista University is committed to providing a safe, inclusive, and respectful environment for all students, staff, and faculty, free from hazing and any practices that degrade, humiliate, or endanger individuals. This policy is designed to promote awareness, prevent hazing behaviors, and ensure that all students, staff, faculty, and campus organizations adhere to the university's standards of conduct. The university will engage in a research-informed, campus-wide approach to hazing prevention, incorporating prevention strategies aimed at fostering a culture of respect and inclusion.

1. Educational Programming

These strategies aim to address the cultural and environmental conditions that enable hazing.

- Leadership Development: Student leaders will be taught about respect, inclusion, and ethical decision-making to promote positive group behavior.
- Social Norms Campaigns & Bystander Intervention Training: Students and staff will be trained to recognize and intervene in hazing behaviors alongside educational booths for awareness.
- Orientation Awareness: Posters about hazing awareness, prevention, and reporting will be displayed around campus. Information will cover the risks and consequences of hazing and emphasize the importance of bystander intervention.
- RA Training: Students will receive training on identifying hazing behaviors, understanding its risks, and learning how to safely intervene.
- Additional Information: For more information on hazing prevention and reporting, please visit: <http://www.stophazing.org> or <http://www.hazingprevention.org>.

2. Ongoing Assessment and Improvement

- Program Evaluation: Hazing prevention programs will be reviewed annually, and improvements will be made based on feedback and data.

Buena Vista University is committed to eliminating hazing through research-based programs and prevention strategies. We aim to create a respectful and safe campus where all students are educated, supported, and held accountable for maintaining a welcoming environment.

Transparency & Reporting

Hazing Incident Reporting

Hazing incidents will be included in the Annual Security Report and Daily Crime Log, as required by the Clery Act. This law requires universities to disclose certain campus safety information, including hazing and sexual assaults.

- The incident must be reported by a campus security authority or local police.
- It must occur within the Clery Act's defined geography.
- The incident must meet the Clery Act's definition of hazing.

Campus Hazing Transparency Report

In accordance with university policy, a Campus Hazing Transparency Report is compiled and published on the university's website to provide transparency regarding any established or recognized student organizations found in violation of the institution's hazing policy. The report will not include any personally identifiable information, including any information that would reveal personally identifiable information about individual students. This report includes the following information for each organization involved:

- Name of the Student Organization
- General Description of the Violation (*Must include whether the violation involved the abuse or illegal use of alcohol or drugs, the findings of the institution, and any sanctions placed on the student organization)
- Relevant Dates
 - Date the incident was alleged to have occurred
 - Date investigation was initiated
 - Date investigation ended with findings of hazing violation
 - Date institution provided notice to organization of outcome
- Findings for Determination of Responsibility
- Sanctions Imposed

The Campus Hazing Transparency Report is publicly available below. This report will be updated two times per year and will summarize all findings related to student organizations that have violated hazing policies.

Campus Hazing Transparency Report: <https://www.bvu.edu/transparency-report>

Additional information on the annual availability of hazing statistics can be found in our Annual Security Report link below. The Campus Hazing Transparency Report will summarize findings concerning any recognized or established student organization found to be in violation of the institution's standards, which includes conduct relating to Hazing, as defined by our institution. While the Clery ASR Hazing Incident Report focuses on hazing as a crime under state/local law. Campus Hazing Transparency

Report: <https://www.bvu.edu/transparency-report>

HAZING	Year	On-Campus	On-Campus Student Housing Facilities*	Noncampus	Public Property	Total
Hazing*	2025	0	0	0	0	0
	2024	N/A	N/A	N/A	N/A	N/A
	2023	N/A	N/A	N/A	N/A	N/A

* In accordance with the Stop Campus Hazing Act, institutions are required to report Hazing statistics beginning with the 2025 calendar year. Because the requirement to collect and disclose Hazing statistics took effect on January 1, 2025, "N/A" will be used in place of statistics for any prior years referenced in

Buena Vista University Drug and Alcohol Policy

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



April 2nd, 2026

To receive federal financial assistance of any kind, including grants and loans for students, all colleges and universities must adopt, and implement, programs to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees. The following information is being distributed in compliance with the requirements of the Drug-Free Schools and Campuses Act as articulated by the U.S. Department of Education. The information will serve as a baseline for standards of conduct for the entire campus community regarding illicit drugs and alcohol, as well as provide information on the consequences of inappropriate behavior.

Within the pages that follow, you will find:

- A statement of acceptable conduct, including the University's drug and alcohol policies.
- A description of applicable legal sanctions under local, state, and federal laws for the unlawful possession, use, and distribution of illicit drugs and alcohol.
- A 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 the 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.

Sincerely,

A handwritten signature in black ink that reads "Brian A. Lenzmeier".

Brian A. Lenzmeier, Ph.D.
President

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 a property used by the University, such as classrooms at Buena Vista University Online, Extended University Programs, and Graduate 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 workplace. 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 pages 9-13). 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 under federal law. These include imprisonment and/or fines depending on the type and quantity of the drug and whether it is a first or subsequent offense. A Federal Schedule V first offense is subject to up to one-year imprisonment and a fine of at least \$1000 but not more than \$100,000. Moreover, personal property may be forfeited and federal benefits, such as student loans and grants, may be denied on the first offense.

Under the State of Iowa and local laws, simple possession is a serious misdemeanor. Non-marijuana charges are subject to imprisonment of up to one year and/or a fine of up to \$1500.

While Marijuana has become legal in some states, it remains illegal to manufacture, possess, consume, or distribute this substance in the state of Iowa. Criminal penalties for marijuana possession may include up to six months imprisonment and/or a fine of up to \$1000.

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 a controlled substance carries criminal penalties depending on the type and quality of the drug and whether it is a first or subsequent offense. For an individual's first offense of marijuana possession under federal law, the penalties include imprisonment of not more than 5 years and fines of up to \$250,000.

Under the State of Iowa and local laws, trafficking an illicit drug carries criminal penalties, marijuana less than 50kg carries a sentence of not greater than 5 years and a fine of not less than \$750 and not greater than \$7,500. Subsequent violations increase the penalties. Moreover, there are special penalties for trafficking to minors.

Summary of State and Local Laws and Sanctions Regarding Alcohol

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

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

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

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

A person under age 21 shall not 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 a fine of \$500 and shall have an abuse evaluation or loss of driver's license for no more than one year. Third offense: Unscheduled misdemeanor punishable by a fine of \$500 and suspension of driver's license, not to exceed one year.

No one shall 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 shall 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 the number of offenses and whether there was damage to either property or a person. For the first offense, the penalty is 48 consecutive hours in jail and a fine of \$1,250. If a Temporary Restricted License (TRL) is approved the court may waive \$650. There is also a loss of driver's license privileges for 180 days, possible substance abuse evaluation, required to carry an SR22 insurance policy for 3 years, installation of an Ignition Interlock Device (IID), and a civil fine of \$200.

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.
- The cost of the substance abuse program is to be paid by the offender.
- A civil penalty of \$200 and proof of SR22 insurance. In addition, Storm Lake’s City Code, Section 10-8-1 bans beer kegs in city parks:

Section 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 park system excluding the Municipal golf course of the City. As used herein, a keg shall mean any barrel or other container with a 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

According to the 2018 National Survey on Drug Use and Health, alcohol is the most abused drug in society as well as on college campuses. Overall, of the roughly 88,000 deaths that result from alcohol use in the United States each year, more than half stem from binge drinking, and binge drinking accounts for 77 percent (\$191.1 billion) of the annual economic cost of alcohol misuse⁵ Among young adults, the rate for binge drinking has been decreasing steadily in the past decade. However, rates among this group are still high; according to 2019 data from Monitoring the Future, 28 percent of college students and 25 percent of non-college, age- matched young adults reported binge drinking in the past 2 weeks.

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.

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 \$249 billion in costs related to crime, lost work productivity, and healthcare, three-quarters of this cost is due to binge drinking alone.

The CDC also reports that 11.2% (2017) 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-V) 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 the 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 the 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 nosebleed result from immediate use, while the 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.

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

Wellness Center

Dixon Eilers Room

207 712-749-1238

Alcohol and other drug counseling, evaluations, and referral services by the University Wellness Center are available for Buena Vista University Storm Lake campus students. Services may be provided on-site and/or referred to local resources. All contacts are confidential.

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 855-775-4357. 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.

Storm Lake

Seasons Center for Behavioral Health

824 Flindt Drive, Ste. 104

Storm Lake, IA 50588 (800) 242-5101

Outpatient agency Seasons Center for Behavioral Health provides prevention education, counseling, evaluations, and referrals. Cost is based on a sliding scale.

Buena Vista University Extended University Programs: Support services are available to all university employees through the University's Employee Assistance Program. Human Resources administers this program, and the program can be accessed by calling 855-775-4357. 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.

BVU has engaged with Employee & Family Resources (EFR) to provide BVU Online and Graduate Programs students with access to EFR's Student Assistance Program (SAP). This service will provide BVU's students attending through Online Programs or Graduate Programs access to free, confidential virtual counseling services. These services are intended to provide short-term assistance so up to six free sessions are provided. If long-term care is needed or desired, EFR staff will also assist students with referrals.

The EFR 24/7 Helpline is answered by master's-level trained clinicians, who will assist with urgent needs or issues and assist with booking a virtual appointment. Here's the contact information for reaching out to EFR.

Easy Access to Help:

- Call EFR's 24/7 helpline at 800-327-4692 for immediate support, any time of day or night, to talk with a counselor.
- Staff will also assist with scheduling virtual counseling sessions.
- Connect with EFR through the web chat at efr.org from 8 am to 5 pm, Monday through Friday.

- Reach out through the 'Contact' web form on EFR's website.

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 the ability to pay. You can also go to the following website for services near your area: <https://www.drug-rehabs.org/>

Council Bluffs

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

CenterPoint Campus for Hope 1490 N 16th Street Omaha, NE 68102 (402) 827-0570

Fort Dodge

Community and Family Resources 211 Ave. M West Fort Dodge, IA 50501(515) 576-7261

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

Mason City

Prairie Ridge Addiction Treatment Services 320 North Eisenhower Avenue Mason City, IA 50401(641) 424-2391

Ottumwa

SIEDA Community Action Behavioral Health and Treatment Services 725 W 2nd St. Ottumwa, IA 52501 (641) 683-8741

Sioux City

Siouxland Intergroup Central Office 614 Cook Street Sioux City, IA 51103 (712) 252-1333

Rosecrance Jackson Recovery Center 800 5th Street Sioux City, IA 51101 (712) 234-2300

Buena Vista University Policies and Disciplinary Sanctions

In accordance with the federal Drug-Free Workplace Act of 1988, the federal Drug-Free Schools and Communities Act (DFSCA) of 1989, and State policies on Alcohol and Other Drugs, Buena Vista University prohibits the unlawful or unauthorized possession, use, sale, manufacture, distribution, or dispensation of alcohol and other drugs by employees and students in the workplace, on University property, or as part of any campus activity.

Students and employees of Buena Vista University will be subject to disciplinary sanctions, up to and including termination of employment and expulsion by the University if they: 1) possess or consume alcohol while not of legal age 2) provide alcohol to persons under the legal age in violation of federal law or Iowa, or other relevant, state law or 3) use, possession, sale of narcotics and controlled substances without a prescription on University premises is prohibited by students, employees, and visitors 4) who are, or appear to be under the influence of alcohol or drugs in any public area of the Storm Lake campus, or on a property used by the University such as classrooms at BVU Extended University Programs locations, or as part of any University-sanctioned activities

The University's Campus Security reports violations of law to the appropriate University department and works in collaboration with the state and local police, who are responsible for enforcing the laws of Iowa, including laws related to the possession, use, and sale of alcoholic beverages and other illegal substances. This includes the enforcement of State underage drinking laws and Federal and State drug laws. Student violations of the policies and guidelines pertaining to alcohol and drugs specified in the Buena Vista

University Code of Conduct will result in sanctions appropriate to the degree of the violation. Sanctions will increase in severity for repeated violations. Student sanctions will include, but are not limited to, fines, education, referrals for counseling, probation, residence hall separation, or suspension or expulsion from the University.

1.) 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 Extended University Programs locations are 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 Extended University Programs locations, 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 Success.

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 21.
- e. Possessing and/or consuming from a common source of alcohol (kegs, punch bowls, etc.).
- f. Intoxication: defined as behaviors which exhibit impairment due to the 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, and quarters) that promote and encourage the consumption of alcohol regardless of the age of the participants. Possession or use of any objects to enhance the ingestion of alcohol, such as beer bong or funnels, is not permitted on campus. All drinking games are prohibited.
- 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 is not allowed 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 everyone is of legal age. Possession or consumption of alcoholic beverages while under the age of 21 is prohibited.

- j. Minors in possession of empty or full alcoholic containers are a violation.
- k. Any single-serving alcohol must be in a can form, unless only available in glass bottle form. The exception to this would be alcohol served by the university food service vendor, which may use glass bottles.
- l. Possession of alcohol in containers larger than a gallon provided by a non-licensed vendor.
- m. Mixing, possessing, or consuming, regardless of a person's age, caffeinated alcoholic drinks.
- n. Punch party: defined as any activity that includes the possession, distribution, or consumption of uncontrolled mixtures of alcoholic beverages.
- o. Solicitation (for example, advertising) of alcoholic beverages or their consumption, including any items placed in campus mail, campus email, mailboxes, sidewalk chalk, or personal social media advertising of parties. Note: Advertisements on any official campus radio station (e.g., KBVU), on any official campus television station (e.g., BVTv), 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 is not covered by this provision.
- p. Alcoholic beverages may not be served or consumed in Academic buildings unless authorized by University Event Services, University Food Service, and the President of the University, or his/her designee.

1.1) In University Housing

- a) BVU is a "wet" campus in that alcohol is allowed in rooms of students 21 years of age or older. A room is considered "wet" only when both roommates are 21 and everyone in the room, including visitors, is 21 or older. If an underage student were to be present in the room, it automatically becomes a "dry" room.
- b) In rooms where alcohol is permitted, doors must be closed.
- c) Possession of alcohol in the residence halls is a privilege and not a right. Appropriate violations in the alcohol policy could result in loss of privilege as deemed appropriate by the Associate Dean for Student Success & Residence Life/Designee.
- d) All alcohol consumed outside a student's residence hall room on campus must be served by the University food service under their license or events approved by the University. 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 in the space where the alcohol is served. Alcoholic beverages may not be served or consumed in any public space on a property unless authorized by the president of the University, or his/her designee, except when authorized in the Football Tailgating policy.

- e) 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 a 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.
- f) **Definition of a Party:** A gathering is considered a "party" when the number of individuals in a room or suite exceeds the occupancy guidelines outlined below, and alcohol is present. Each resident is allowed up to three guests. The following are examples based on room occupancy:
- Occupancy Guidelines by Housing Type:
- 6-person suite: Up to 18 individuals
 - 4-person suite or apartment: Up to 12 individuals
 - 2-person room: Up to 6 individuals
 - 1-person room: Up to 3 individuals
- g) Social gatherings at which alcohol is present must be conducted in accordance with the University's alcohol policy. University staff may decide that a gathering exceeds fire and safe occupancy and may require some or all guests or non-residents to vacate a university housing unit/area. No alcohol is permitted in a social gathering in which there are persons who are below the legal drinking age.
- h) Alcohol is prohibited in the common areas of suites and apartments when any minors are present. If a suitemate or roommate is under the age of 21, alcohol is not permitted in shared spaces and may only be possessed or consumed within a private room where all assigned residents are 21 years of age or older. In other residence halls, including Pierce, White, Liberty, and apartment alcohol is not allowed in any public or shared areas such as hallways, kitchens, study rooms, game rooms, or other communal spaces. Additionally, alcohol may not be stored in any refrigerator that is shared with residents who are underage.
- i) Possession: includes being in the presence of, or having ownership, custody, or control of, alcoholic beverages or alcohol paraphernalia related items, including full or empty cans, bottles, and packaging such as beer boxes or cases. Residents under the age of 21 are prohibited from possessing alcohol or alcohol-related containers in any form. The presence of these items in a student's room or assigned space constitutes possession, regardless of ownership or intent. Residents are responsible for all such items found in their space, whether or not they are present at the time.
- j) Alcohol containers, full or empty, are not allowed in the rooms of minors. Persons of legal drinking age who room with minors give up their right to have alcohol in their assigned rooms. In the suite rooms or apartments where minors reside, alcohol may only be consumed in individual bedrooms where all occupants are of legal drinking age. Alcohol may not be consumed in common suite or apartment areas of the rooms if minors are present.
- k) If anyone is found to be in violation of the alcohol policy, all alcohol will be confiscated and emptied by a Residence Life or Campus Security staff member.
- l) Any alcoholic beverage with a broken seal, covered or not, must remain in the room with the door closed.
- m) Alcoholic containers, full or otherwise, should not be visible from residence hallways, windows, or other public areas on campus.

- n) Possession of kegs, tappers, and/ or party balls (empty or full) is strictly forbidden. Such items will be confiscated and not returned.
- o) All BVU university students are responsible for the conduct of their guests. The host will be responsible for any fines or damages that occurred from their guests.
- p) Liberty Hall's third floor is a substance-free housing option. The floor is reserved for students who commit to living a healthy lifestyle that is free of the participation and/or promotion of alcohol, tobacco, and drugs.

Regulations:

On University-owned property, the presence of any alcoholic beverage container: full or empty will be interpreted the same as actual possession by all those in the area where the container is found. Any member of the college community found in violation of the policy is subject to discipline.

Any member of the college community who returns to campus and gives clear evidence of intoxication (i.e. incoherent speech, lack of physical coordination) or creates a disturbance on campus related to the consumption of alcohol will be subject to discipline.

If a student is suspected of being under the influence of alcohol at a university-sponsored event, he/she will be asked to leave the event as well as be subject to discipline.

1.2) Football Tailgating Policy

The Football Tailgating policy is provided for the best interest of health and safety during football games.

- a.) The Tailgating area will be located in the grass field on the east side of the stadium. There will be signage directing you, and a porta-potty available for use. Parking spots are available on a first-come basis. In case of bad weather, tailgating will be located in Lot L across from the stadium.
- b.) Tailgating hours:
 - The lot is open 3 hours before kickoff.
 - Tailgating will end at the start of the contest, and tailgaters are encouraged to leave the lot, support the Beavers, and attend the contest.
 - The lot will close 1 hour after the contest ends.
- c.) Rules & Regulations
 - The University reserves the right to restrict any vehicle or person for any reason.
 - Buena Vista University supports the laws of the state of Iowa and all of the states in which it operates and the expressed intent of any policy pertaining to the use of alcohol at the BVU Storm Lake campus.
 - Beer kegs, party balls, borgs, and glass bottles are prohibited. Drinking games are prohibited and the use of devices intended to accelerate the consumption of alcohol is prohibited.
 - Under no circumstances shall persons under the age of 21 have possession or consume alcohol.
 - The university reserves the right to check identification and notify the proper authorities for underage drinking.
 - No alcoholic beverages outside the tailgating area.
 - Individuals who interfere with the rights of other people by use of loud and or abusive language

- and behavior will be asked to leave the event. Individuals may also be subject to legal penalties.
- Individuals will be responsible for keeping the area clean. Trash cans and recycling bins will be available.
- No open flames, fireworks, or fire pits are allowed.
- Gas/propane & charcoal grills are permitted.
- No outside retail sales of alcohol are allowed unless provided by Sodexo.
- Driving under the influence is illegal in the state of Iowa. State drinking laws will be enforced in and around the property.
- Enforcement will be by the Athletic Director, Assistant Athletic Director, BVU personnel, and the security officer on duty. All individuals are subject to legal and University policies.

1.3) Student Sanctions for Violations of the Alcohol Policy

The student's conduct history and previous record are taken into account when determining the appropriate sanction and/or educational plan for that student. The following represents recommended but not limited sanctions students may receive as a result of violating the University Alcohol Policy.

First Violation

- Maximum \$75 Educational fee
- Potential Education opportunity
- Parental notification and, if applicable, athletic coach or advisor notification
- Loss of privileges (i.e. visitation, relocation, access, co-curricular activities)

Second Violation

- Disciplinary probation for 1 year
- Maximum \$125 Educational fee
- Possible revocation of residential student privileges (weekend suspension or visitation restrictions)
- Possible removal from University housing
- Parental notification and possible meeting, and if applicable, athletic coach or advisor notification
- Alcohol Assessment at a licensed facility
- Loss of privileges (i.e. visitation, relocation, access, co-curricular activities)

Third Violation

- Suspension from the University for a minimum of 1 semester and/or reduction in institutional scholarship
- Parental notification and meeting, and if applicable, athletic coach or advisor notification
- Successful completion of an off-campus substance abuse treatment program
- Loss of privileges (i.e. visitation, relocation, access, co-curricular activities)

Anything above a third alcohol violation may place a student in jeopardy of termination of the Housing Contract and/or University Suspension. All sanctions are cumulative.

Federal laws governing the privacy of student records, the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) permits colleges and universities to inform the family of a student under 21 years of age when their student has been found in violation of university alcohol or drug

rules and/or in the case of a health or safety emergency. Factors influencing parent notification considerations include health, safety, and repeat offenders.

2.) Buena Vista University Drug Policy

The University considers the use, possession, under the influence, 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. Medical marijuana in the form of Cannabidiol (CBD) was passed in Iowa. However, the University's policy is that any form of marijuana is still considered prohibited in all areas.

2.1) Student Sanctions for Violations of the Drug Policy

a.) 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.

b.) Manufacture, distribution, and/or sale:

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

The student's conduct history and previous record are taken into account when determining the appropriate sanctions and educational plan for that student. The following represents recommended, but not limited, sanctions students may receive as a result of violating the University Drug Policy. It is possible that even with one violation, a student's financial aid could be affected.

First Violation

- Maximum \$75 Educational fee
- Potential Education opportunity
- Parental notification and, if applicable, athletic coach or advisor notification
- Loss of privileges (i.e. visitation, relocation, access, co-curricular activities)

Second Violation

- Disciplinary probation for 1 year
- Maximum \$125 Educational fee
- Possible revocation of residential student privileges (weekend suspension or visitation restrictions)
- Possible removal from university housing
- Possible suspension from the university for a minimum of 1 semester and/or reduction in institutional scholarship
- Parental notification and possible meeting, and if applicable, athletic coach or advisor notification
- Drug Assessment at a licensed facility
- Loss of privileges (i.e. visitation, relocation, access, co-curricular activities)

Third Violation

- Suspension from the university for a minimum of 1 semester and/or reduction in institutional scholarship
- Parental notification and meeting, and if applicable, athletic coach or advisor notification
- Successful completion of off-campus substance abuse treatment program
- Loss of privileges (i.e. visitation, relocation, access, co-curricular activities)

Anything above a third drug violation may place a student in jeopardy of termination of the Housing Contract and/or University Suspension. All sanctions are cumulative.

Federal laws governing the privacy of student records, the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) permits colleges and universities to inform the family of a student under 21 years of age when their student has been found in violation of university alcohol or drug rules and/or in the case of a health or safety emergency. Factors influencing parent notification considerations include health, safety, and repeat offenders.

3.) Expenditure of Fines Collected for Violations of the Alcohol and Drug Policy

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

4.) Employee Sanctions for Violations of Drug, Alcohol, and Tobacco 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 employees' 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 employee who becomes 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 Finance and Administration no later than five days after the conviction.

The Vice President for Finance and Administration 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.

5. Buena Vista University Smoking and Tobacco Policy

Iowa Smokefree Air Act

Iowa lawmakers passed the Iowa Smokefree Air Act, effective July 1, 2008, to protect employees and the general public from exposure to tobacco smoke. The Iowa Smokefree Air Act prohibits smoking in all public and private schools and on any grounds under the control of the schools, including inside any vehicle located on those grounds. In accordance with this law, smoking is prohibited on all University property.

For purposes of the Smokefree Air Act, smoking materials include lighted cigars, cigarettes, pipes, or other tobacco products in any manner or form including ash, cigarette butts or filters, or cigar stubs.

Smokeless Tobacco

Smokeless tobacco is tobacco that is not burned. It is also known as chewing tobacco, oral tobacco, spit or spitting tobacco, dip, chew, and snuff. In the interest of student health and commitment to preparing students for future professional lives, smokeless tobacco products are prohibited in classes, administrative offices, at indoor, university-sponsored events, and all athletic facilities.

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.

Tobacco

Persons under twenty-one years of age shall not smoke, use, possess, purchase, or attempt to purchase any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes.

Electronic Smoking Devices

Electronic smoking devices heat and aerosolize a liquid that contains a cocktail of ingredients, including flavorings and varying levels of nicotine. Electronic smoking devices include but are not limited to electronic cigarettes/e-cigarettes, e-pipes, e-cigars, vapes, vape pens, e-vaporizers, personal vaporizers, tank systems, pod vape/systems, Juhl, e-hookahs, hookah pens, electronic nicotine delivery systems, and mods. All electronic smoking devices are prohibited on all University property. Summary of State and Local Laws and Sanctions Regarding Tobacco

Summary of State and Local Laws and Sanctions Regarding Tobacco

Iowa code 142D.9 A person who smokes in an area where smoking is prohibited is a civil penalty of \$50.

Iowa Code 453A.2(1) A employee providing tobacco to persons under 21 will receive 1st offense \$210.25, 2nd offense \$428.75, and 3rd offense \$796.75.

Iowa Code 453A.2(2) Persons under 21 using tobacco products, or vapor products civil penalty of 1st offense \$70, 2nd offense \$135, and 3rd offense \$325.

Student Sanctions for Violations of the Smoking and Tobacco Policy

The student's conduct history and previous record are taken into account when determining the appropriate sanctions and educational plan for that student. The following represents recommended, but not limited to sanctions and conditions students may receive as a result of violating the University Smoking and Tobacco Policy.

First Violation

- Maximum \$75 Educational fee
- Potential Education opportunity
- Parental notification and if applicable athletic coach, or Advisor notification
- Loss of privileges (i.e. visitation, relocation, access, co-curricular activities)

Second Violation

- Disciplinary probation for 1 year
- Maximum \$125 Educational fee
- Possible revocation of residential student privileges (weekend suspension or visitation restrictions)
- Possible removal from University housing
- Parental notification and possible meeting, and if applicable athletic coach, or Advisor notification
- Tobacco Assessment at a licensed facility
- Loss of privileges (i.e. visitation, relocation, access, co-curricular activities)

Third Violation

- Suspension from the university for a minimum of 1 semester and/or reduction in institutional scholarship
- Parental notification and meeting, and if applicable athletic coach, or Advisor notification
- Successful completion of off-campus substance abuse treatment program
- Loss of privileges (i.e. visitation, relocation, access, co-curricular activities)

Anything above a third tobacco/smoking violation may place a student in jeopardy of termination of the Housing Contract and/or University Suspension. All sanctions are cumulative.

Federal laws governing the privacy of student records, the Family Educational Rights and Privacy Act The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) permits colleges

and universities to inform the family of a student under 21 years of age when their student has been found in violation of University alcohol or drug rules and/or in the case of a health or safety emergency. Factors influencing parent notification considerations include health, safety, and repeat offenders.

Amnesty Policy

For Victims

Buena Vista University provides amnesty to victims who may be hesitant to report to university officials because they fear that they themselves may be accused of minor policy violations, such as underage drinking, at the time of the incident. Educational options will be explored, but no conduct proceedings or conduct records will result.

Immunity for Victims of Sexual Misconduct

The BVU community encourages the reporting of Community Standards violations, especially sexual misconduct. Sometimes, victims are hesitant to report to University officials because they fear that they themselves may be charged with policy violations, such as underage drinking, at the time of the incident. It is in the best interest of this community that as many victims as possible choose to report to University officials. To encourage reporting, BVU pursues a policy of offering victims of sexual misconduct immunity from minor policy violations related to sexual misconduct incidents. Immunity means that the reporting student's conduct related to the sexual misconduct incident will not be subject to conduct action by the University but may be addressed by the University through education, assessment, and/or treatment.

For Those Who Offer Assistance

To encourage students to offer help and assistance to others, the University pursues a policy of amnesty for minor violations when students offer help to others in need. At the discretion of the VP of Student Success or designee, amnesty may also be extended on a case-by-case basis to the person receiving assistance. Educational options will be explored, but no conduct proceedings or conduct records will result.

Good Samaritan/Medical Amnesty

The welfare of students in our community is of paramount importance. At times, students on and off campus may need assistance. BVU expects students to offer help and assistance to others in need. Sometimes, students are hesitant to offer assistance to others, for fear that they may get themselves in trouble (for example, students who have been drinking underage might hesitate to call for help for a friend who drank too much). BVU pursues a policy of limited immunity for students who seek help for themselves and/or offer help to others in need. This means that whenever a student seeks medical aid for him/herself or another due to the influence of alcohol and/or drugs, he/she will not be subject to conduct action by the University. Instead, the impaired student's and the assisting student(s)' conduct will be addressed by the University through education, assessment, and/or treatment. No conduct procedures or outcomes will result. This policy refers to isolated incidents only and does not excuse or protect those who flagrantly or repeatedly violate the Alcohol and Other Drug Policy.

Students who choose not to seek help for themselves and/or assist a fellow community member when in need of assistance may face conduct action by the University.

Amnesty For Those Who Report Serious Violations

Students who are engaged in minor violations but who choose to bring related serious violations by others to the attention of the University are offered amnesty for their minor violations. Educational options will be explored, but no conduct proceedings or records will result. Abuse of amnesty requests can result in a decision by the Associate Dean of Student Success or designee not to extend amnesty to the same person repeatedly.

Safe Harbor

The University has a Safe Harbor rule for students. BVU believes that students who have a drug and/or addiction problem deserve help. If any University student brings their own use, addiction, or dependency to the attention of college officials outside the threat of drug tests or conduct sanctions and seeks assistance, a conduct complaint will not be pursued. A written action plan may be used to track cooperation with the Safe Harbor program by the student. Failure to follow the action plan will nullify the Safe Harbor protection and campus conduct processes will be initiated.

Appendix

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

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.

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 exceeds five grams.
- (b) 2nd crack conviction and the amount of crack possessed exceeds 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 the first offense, up to five years for the 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.

The 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:

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

Marijuana - serious misdemeanor (imprisonment not to exceed six months, or a fine not to exceed \$1,000, or both.)

FEDERAL TRAFFICKING PENALTIES

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500-4999 grams mixture	First Offense: Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. A fine of not more than \$5 million if an individual, \$25 million if not an individual.	5 kgs or more mixture	First Offense: Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life. A fine of not more than \$10 million if an individual, \$50 million if not an individual.
Cocaine Base (Schedule II)	28-279 grams mixture		280 grams or more mixture	
Fentanyl (Schedule II)	40-399 grams mixture		400 grams or more mixture	
Fentanyl Analogue (Schedule I)	10-99 grams mixture		100 grams or more mixture	
Heroin (Schedule I)	100-999 grams mixture	Second Offense: Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment. A fine of not more than \$8 million if an individual, \$50 million if not an individual.	1 kg or more mixture	Second Offense: Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment. A fine of not more than \$20 million if an individual, \$75 million if not an individual.
LSD (Schedule I)	1-9 grams mixture		10 grams or more mixture	
Methamphetamine (Schedule II)	5-49 grams pure or 50-499 grams mixture		50 grams or more pure or 500 grams or more mixture	2 or More Prior Offenses: Life imprisonment. A fine of not more than \$20 million if an individual, \$75 if not an individual.
PCP (Schedule II)	10-99 grams pure or 100-999 grams mixture		100 gm or more pure or 1 kg or more mixture	

PENALTIES

Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	First Offense: Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than life. Fine \$1 million if an individual, \$5 million if not an individual. Second Offense: Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.
Flunitrazepam (Schedule IV)	1 gram	Second Offense: Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.
Other Schedule III drugs	Any amount	First Offense: Not more than 10 yrs. If death or serious injury, not more than 15 yrs. Fine, not more than \$500,000 if an individual, \$2.5 million if not an individual. Second Offense: Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine, not more than \$1 million if an individual, \$5 million if not an individual.
All other Schedule IV drugs	Any amount	First Offense: Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.
Flunitrazepam (Schedule IV)	Other than 1 gram or more	Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.
All Schedule V drugs	Any amount	First Offense: Not more than 1 yr. Fine, not more than \$100,000 if an individual, \$250,000 if not an individual. Second Offense: Not more than 4 yrs. Fine, not more than \$200,000 if an individual, \$500,000 if not an individual.

FEDERAL TRAFFICKING PENALTIES - MARIJUANA

DRUG	QUANTITY	1st Offense	2nd Offense *
Marijuana (Schedule I)	1,000 kg or more marijuana mixture; or 1,000 or more marijuana plants	Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine, not more than \$10 million if an individual, \$50 million if other than an individual.	Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana (Schedule I)	100 kg to 999 kg marijuana mixture; or 100 to 999 marijuana plants	Not less than 5yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine, not more than \$5 million if an individual, \$25 million if other than an individual.	Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana (Schedule I)	More than 10 kgs hashish; 50 to 99 kg marijuana mixture More than 1 kg of hashish oil; 50 to 99 marijuana plants	Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.	Not less than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.
Marijuana (Schedule I)	Less than 50 kilograms of marijuana (but does not include 50 or more marijuana plants regardless of weight) 1 to 49 marijuana plants	Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if other than an individual.	Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than an individual.
Hashish (Schedule I)	10 kg or less		
Hashish Oil (Schedule I)	1 kg or less		

*The minimum sentence for a violation after two or more prior convictions for a felony drug offense have become final is a mandatory term of life imprisonment without release and a fine up to \$20 million if an individual and \$75 million if other than an individual.

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

GENERAL OFFENSE MISDEMEANOR CLASSIFICATION	SPECIAL CLASS "B" FELONY - §124.401(1)(a) ¹	SPECIAL CLASS "B" FELONY - §124.401(1)(b) ¹	SPECIAL CLASS "C" FELONY - §124.401(1)(c) ¹	SPECIAL CLASS "D" FELONY - §124.401(1)(d)	AGGRAVATED MISDEMEANOR §124.401(1)(d)	SPECIAL CLASS SERIOUS - §124.401
PENALTY SUBSTANCE	not greater than 50 years and a fine of not greater than \$1,000,000	not greater than 25 years and a fine of not less than \$5,000 and not greater than \$100,000 ²	not greater than 10 years and a fine of not less than \$1,000 and not greater than \$50,000 ²	not greater than 5 years and a fine of not less than \$750.00 and not greater than \$7,500 ²	not greater than 2 years or a fine of not less than \$500 and not greater than \$5,000 or both	Not greater than 6 months or a fine of not greater than \$1,000 or both ³
LSD	greater than 10g	not greater than 10g				
COCAINE BASE "CRACK"	greater than 50g	greater than 10g but not greater than 50g	less than or equal to 10g			
COCAINE	greater than 500g	greater than 100g but not greater than 500g	less than or equal to 100g			
PCP (PURE)	greater than 100g	greater than 10g but not greater than 100g	less than or equal to 10g			
PCP (MIXED)	greater than 1kg	greater than 100g but not greater than 1kg	less than or equal to 100g			
HEROIN	greater than 1kg	greater than 100g but not greater than 1kg	less than or equal to 100g			
MARIJUANA	greater than 1,000kg	greater than 100kg but not greater than 1000kg	greater than 50kg but not greater than 100kg	less than 50 kg		less than or equal to 1/2oz (not offered for sale)

METHAMPHETAMINE AMPHETAMINE	greater than 5kg ⁴	greater than 5g but not greater than 5kg	less than or equal to 5g ⁵		
SALVIA DIVINORUM				any amount	
SYNTHETIC CANNABINOIDS				any amount	
SYNTHETIC CATHINONES				any amount	
OTHER SCHEDULE I, II, AND III SUBSTANCES ⁶			any amount		
SCHEDULE IV AND V SUBSTANCES ⁷				any amount	

PENALTIES UNDER IOWA LAW FOR POSSESSION OF CONTROLLED SUBSTANCES

§ 124.401(5) (Includes minimum imprisonment of 48 hours, which can be suspended)

Note: The reduced penalties for marijuana would appear to apply only if the present offense and all previous convictions were for marijuana, otherwise the penalties for the "other than marijuana" would apply. Convictions for violations of Chapters 124, 124A, 1245B, and 453B can be used to enhance second and subsequent offenses in the "other than marijuana" category.

	Marijuana	Other than Marijuana
First Offense	6 mo., \$1,000 fine	Serious Misdemeanor
Second Offense	Serious Misdemeanor	Aggravated Misdemeanor
The third or greater offense	Aggravated Misdemeanor	Class "D" Felony

1: These are non-bailable offenses after conviction and while awaiting appeal. Iowa Code § 811.1(2).

Note: must be a second or subsequent offense of § 124.401(1)(c) to qualify as non-bailable.

2: 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).

3: This is the accommodation offense. It only includes delivery and possession with intent to deliver less than or equal to 1/2 ounce of marijuana, which was NOT offered for sale. Manufacturing marijuana is not included. An offender under this subsection is sentenced as if convicted of § 124.401(5) (possession of marijuana).

4: Deferred judgments, deferred sentences, and suspended sentences are NOT available in these instances when the substance is methamphetamine. Iowa Code § 907.3(1), (2) & (3).

5: If the first offense is for amphetamine or methamphetamine, then the sentence may be suspended, and the defendant ordered to drug court or community-based corrections for 1 year or until maximum benefits. §124.401E

6: Examples of other Schedule I, II, and III controlled substances include mescaline, morphine, fentanyl, hashish, hashish oil, methaqualone, Seconal, and Nembutal. *State v. Kaufman*, 265 N.W.2d 610 (Iowa 1978).

7: Examples of Schedule IV and V controlled substances include phenobarbital, Tylenol with codeine, meprobamate, Valium, and ephedrine.

Codes

AGGREGATION OF WEIGHTS Iowa Code § 124.401(2)--If the same person commits 2 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)(e) and (f)-
-If in the immediate possession of a firearm while participating in a violation of § 124.401(1), the penalty shall be 2 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 3 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 greater than or equal to 18 years, 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 substance, 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 greater than or equal to 18 years manufactures methamphetamine 1) in the physical presence of a minor; 2) at the residence of a minor; 3) in a 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.

MANUFACTURING OR DELIVERY OF AMPHETAMINE OR METHAMPHETAMINE TO A MINOR

Iowa Code § 124.401D--If someone greater than or equal to 18 years delivers, possesses with the intent

to deliver, conspires to deliver or possess with intent to deliver, or conspires to manufacture methamphetamine

for delivery to someone < 18 years: 1st offense = 99 years; 2nd or subsequent offense = Class "A" felony (life imprisonment). § 902.9(1)(a). If 1st offense, then not eligible for parole until a minimum of 10 years served.

§ 902.8A.

TAMPERING WITH, POSSESSING, OR TRANSPORTING ANHYDROUS AMMONIA Iowa Code §

124.401F--It is a serious misdemeanor to tamper with anhydrous ammonia equipment, or to possess or

transport anhydrous ammonia in a container not approved by the secretary of agriculture. A civil penalty

of not more than \$1500 may also be imposed.

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 3 times the term otherwise authorized, or that person may be fined not more

than 3 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 a limitation on eligibility for

parole and work release)--A person sentenced pursuant to § 124.401(1) (a),(b),(c),(e), or (f), shall not be eligible for parole or work release 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). If the conviction is under § 124.401 (1) (b) or (c), the court may further lower the minimum eligibility for parole or work release from one-half of the minimum 1/3 to the full 1/3 minimum to serve of the maximum sentence. Iowa Code 124.413(3).

RESTRICTION ON THE REDUCTION OF A MANDATORY MINIMUM SENTENCE Iowa Code §

901.10(2)--A person convicted of an amphetamine or a methamphetamine offense under § 124.401(1) (a) or (b), (i.e., greater than 5 grams), is not eligible for a reduction of the mandatory minimum period of confinement imposed pursuant to § 124.413, unless the person pleads guilty, and then, the mandatory minimum may only be reduced by a maximum of one-third. In addition, if the defendant cooperates with the prosecution of others AND the prosecutor recommends it, the court may reduce the remaining mandatory minimum sentence by up to one-half. If the violation is for § 124.401D, the same applies, but there is apparently no "one-half" limit on reduction if the prosecutor requests further reduction.

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 Canas*, 571 N.W.2d 20 (Iowa 1997). However, if it is a first offense and the mandatory minimum is not imposed (see above), then the Court may reconsider.

REOPENING OF 99-YEAR SENTENCE Iowa Code § 901.5A--The Court may reopen a 99-year sentence if the prosecutor requests it and the Court finds that the defendant cooperated in the prosecution of others. Any reduction in sentence is based on § 901.10(3). Reopening of the sentence does NOT toll or stay any other proceedings or time deadlines.

COMMITMENT FOR TREATMENT Iowa Code § 124.409--When someone is charged under §124.401 and they 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. If successful at rehabilitation, the Court may remit all or part of the sentence and place the individual on probation.

§ *POSSESSION OF CERTAIN SUBSTANCES WITH INTENT TO MANUFACTURE* Iowa Code 124.401(4)--It is a Class "D" felony to possess the following with the intent to manufacture a controlled substance: ephedrine, pseudoephedrine, ethyl ether, anhydrous ammonia, red phosphorous, lithium, iodine, thionyl chloride, chloroform, palladium, perchloric acid, tetrahydrofuran, ammonium chloride, and magnesium sulfate.

POSSESSION OF A CONTROLLED SUBSTANCE Iowa Code § 124.401(5)--A first-offense conviction for possession of any controlled substance (except marijuana) is a serious misdemeanor with a fine of at least \$250, but not more than \$1,500; in addition, the court may order imprisonment for up to one year. The maximum penalty for a first-offense conviction for possession of marijuana is imprisonment for 6 months and/or 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, the sentence may be deferred. (See § 124.409.) For second and subsequent offenses, see the chart on the previous page. Aggravated misdemeanors are punishable by a fine of at least \$500, but not more than \$5,000; in addition, the court may order imprisonment for up to two years. A Class "D" Felony is punishable by an indeterminate term of imprisonment of not more than 5 years, and in addition, is punishable by a fine of at least \$500, but not more than \$7,500.

DRUG PARAPHERNALIA Iowa Code § 124.414--It is a simple misdemeanor for any person to knowingly or intentionally manufacture, deliver, sell, or possess drug paraphernalia. Drug paraphernalia is defined as all equipment, products, or materials of any kind used or attempted to be used in combination with a controlled substance, to knowingly and intentionally, and primarily:

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. There is an exception for items used with lawful controlled substances and hypodermic needles or syringes used for a lawful purpose.

DISTRIBUTION TO MINORS Iowa Code § 124.406

1. If someone greater than or equal to 18 years distributes or possesses with the intent to distribute a Schedule I or II controlled substance to someone less than 18 years, the offense is a Class "B" Felony and the person shall serve a minimum of 5 years. If it is a counterfeit or a simulated controlled substance, then no minimum of 5 years. However, in either case, if the offense occurs within a school or a public recreation zone, then the person shall serve a minimum of 10 years.
2. If someone greater than or equal to 18 years distributes or possesses with the intent to distribute a Schedule III controlled substance (includes a counterfeit or a simulated controlled substance) to someone less than 18 years and there is greater than or equal to 3 years difference, the offense is a Class "C" Felony.
3. If someone greater than or equal to 18 years distributes a Schedule IV or V controlled substance (includes a counterfeit or a simulated controlled substance) to someone less than 18 years and there is greater than or equal to 3 years difference, the offense is an Aggravated Misdemeanor.
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 less than 18 years, the offense is a Class "D" Felony.
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 greater than or equal to 18 years conspires with or recruits someone less than 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 a sex act on a person who is under the influence of a controlled substance, including flunitrazepam (Rohypnol), and 1) the controlled substance prevents the victim from consenting, and 2) the accused knows or should reasonably know that the victim is under the influence of the controlled substance.

GAMMA-HYDROXYBUTYRATE (GHB) Iowa Code § 126.27--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.

DRIVER'S LICENSE SUSPENSION Iowa Code § 901.5(10)--The court shall order the D.O.T. to revoke the driver's license and/or the operating privileges of a person convicted of certain drug-related offenses for a period of one hundred eighty (180) days. If the license or operating privileges are already under suspension or revocation, then the 180 days begin after all other suspensions or revocations have expired. The triggering offenses include violations of § 124.401, § 124.401A, § 124.402, § 124.403, § 126.3, and Chapter 453B. This provision does not violate "Due Process" or "Equal Protection." *State v. Bell*, 572 N.W.2d 910 (Iowa 1997). The Iowa Supreme Court has also ruled that revocation is mandatory. *State v. Klein*, 574 N.W.2d 347 (Iowa 1997).

DENIAL OF FEDERAL AND STATE BENEFITS Iowa Code § 901.5(11)--The Court shall consider 21

U.S.C.A. § 862 (see below), and may order the denial of federal benefits, such as school loans, grants,

contracts, professional or commercial licenses. Does not include retirement, welfare, Social Security, health, disability, veterans' benefits, public housing, or similar benefits. For any violation of Chapter 124, the Court shall consider the denial of state benefits and may order their denial comparable to the federal benefits. Iowa Code § 901.5(12).

DENIAL OF FEDERAL BENEFITS TO DRUG TRAFFICKERS AND POSSESSORS		
	Drug Traffickers	Drug Possessors
First Offense	ineligible for any or all federal benefits for up to 5 years	) ineligible for any or all federal benefits for up to 1 year; and/or) successfully complete an approved drug treatment program with periodic future testing; and/or) perform appropriate community service
Second Offense	ineligible for any or all federal benefits for up to 10 years	) ineligible for any or all federal benefits for up to 5 years; and/or) successfully complete an approved drug treatment program with periodic future testing; and/or) perform appropriate community service
Third or Greater Offense	permanently ineligible for all federal benefits	N/A

NOTE: The period of ineligibility referred to above may be suspended if the individual has completed a supervised drug rehabilitation program or otherwise has been rehabilitated. These penalties do not apply to any individual who cooperates or testifies for the government.

CONTROLLED SUBSTANCE TAX STAMP Iowa Code Chapter 453B--If certain minimum levels of various controlled substances are possessed, then a tax is due according to the schedule below. If the tax is not paid when first due, there is an immediate 100% penalty also assessed. In addition, it is a Class "D" Felony, punishable by an indeterminate term of imprisonment of not more than 5 years, and in addition, punishable by a fine of at least \$500, but not more than \$7,500, for failure to properly affix the tax stamp to the controlled substances.

Taxable Substance	Unprocessed Marijuana Plants	Processed Marijuana	Other Than Marijuana	
			Sold by weight	Sold by dosage unit
Minimum Triggering Amount	1 plant	42 1/2 grams	7 grams	10 dosage units
Tax Rate	\$750 per plant	\$5 per gram or portion thereof	\$250 per gram or portion thereof	\$400 per 10 units or portion thereof

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 on 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.

*In 2018, House File 2338 amended Iowa Code chapter 321J and significantly altered the interlock device (IID) and temporary restricted license (TRL) requirements for Operating While Intoxicated (OWI) revocations. This bill requires all OWI offenders to install an IID as a condition of their TRL, removes hard suspensions for most OWI offenders, and removes TRL location restrictions of OWI offenders.

Youthful Violators

Any driver under 21 who is stopped, and test.02 Blood Alcohol content 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. BACs 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.

Residence Hall and Campus Facilities

Security of and Access to 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.

Academic and Administrative Buildings: Buena Vista University campus is open to the public. The majority of academic and administrative buildings are open during normal business hours (typically Monday through Friday, from 8 am to 5 pm, except holidays) and are typically secured during the late evening hours, depending upon special event scheduling and community usage. The academic buildings are typically secured from 12 am to 6 am each night. The Fieldhouse's hours are normally 6 am-11 pm during the week and 8 am on the weekends. Summer hours, holidays, and breaks will fluctuate based upon events occurring on campus. Members of Campus Security regularly patrol the interiors and exteriors of all campus facilities.

Residence Halls: The University has eight residence halls. Area Coordinators (ACs), and Resident Advisors (RAs) live in the residence halls and are trained to assist individuals and to help maintain a healthy educational environment. Residential staff receive training in basic security and emergency procedures.

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 the safekeeping and securing of their own rooms.

Access to residence halls is restricted to Buena Vista University students and authorized staff, and the halls are secured by a proxy access control system 24 hours a day/7 day a week. Members of Campus Security regularly patrol the interior common areas, spaces, and hallways of buildings equipped with such common spaces and regularly patrol the exteriors of all campus residence halls. Residence Life professional staff and student staff also enforce campus policies and security measures within the residence halls to achieve a community respectful of individual and group rights and responsibilities.

Non-University overnight guests must have the roommates' approval to stay the night. Overnight guests are limited to a stay of three consecutive nights. Guests and visitors must adhere to the same regulations as resident students. Guests should be escorted by their host while in any public areas.

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

MAINTENANCE OF CAMPUS FACILITIES

Buena Vista University facilities and landscaping are maintained in a manner that minimizes hazardous conditions. Campus Security regularly patrols the campus and reports malfunctioning lights and other unsafe physical conditions to Facilities Management for correction. Campus community members can additionally report hazards directly to Campus Security, which will contact Facilities Management to address issues. The campus' overall safety and security program is supplemented by a variety of technological systems including access control, emergency phones, and fire detection, suppression, and reporting systems.

Geography Definitions from the Clery Act:

The Jeanne Clery Campus Safety Act mandates the manner in which statistics are to be collected and the format in which statistics are to be published.

On-Campus defined as: (1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution's educational purposes, including residence halls; and (2) Any building or property that is within or reasonably contiguous to the area identified in paragraph (1), that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or retail vendor).

Non-Campus Building or Property defined as: (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution (i.e. privately owned fraternity); or (2) Any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

The **Non-Campus geography** definition includes buildings or properties under temporary control during institutionally sponsored short-stay-away domestic or international trips for students of more than one night or buildings or properties under temporary control during institutionally sponsored domestic or international trips for students to repeated locations:

Public Property defined as all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus or on-campus property/facilities. Buena Vista University crime statistics do not include crimes that occur in privately-owned homes or businesses within or adjacent to the campus boundaries.

On-campus Student Housing Facility defined as any student housing facility that is owned or controlled by the institution or is located on property that is owned or controlled by the institution and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility. This category is considered a subset of the on-campus category.

Reasonably Contiguous is defined in the 2016 Handbook for Campus Safety and Security Report as follows: Refers to a building or property an institution owns or controls that are in a location that students consider to be, and treat as, part of the "campus." Generally speaking, it is reasonable to consider locations within one mile from the core or main campus border to be reasonably contiguous with the campus.

Main Campus Storm Lake

OFFENSE	On Campus			Residential			Non-Campus			Public Property			TOTAL		
	YEAR 2023	YEAR 2024	YEAR 2025	YEAR 2023	YEAR 2024	YEAR 2025	YEAR 2023	YEAR 2024	YEAR 2025	YEAR 2023	YEAR 2024	YEAR 2025	YEAR 2023	YEAR 2024	YEAR 2025
PRIMARY CRIMES															
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	0	2	2	0	2	2	0	0	0	0	0	0	0	2	2
FONDLING	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
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	0	0	0	0	0	0
AGGRAVATED ASSAULT	0	1	0	0	1	0	0	0	0	0	0	0	0	1	0
BURGLARY	1	1	2	1	1	1	0	0	0	0	0	0	1	1	2
MOTOR VEHICLE THEFT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ARSON	1	0	0	1	0	0	0	0	0	0	0	0	1	0	0
VIOLENCE AGAINST WOMEN ACT OFFENSES															
STALKING	3	1	1	3	1	1	0	0	0	0	0	0	3	1	1
DOMESTIC VIOLENCE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DATING VIOLENCE	1	3	2	1	3	2	0	0	0	0	0	0	1	3	2
** CRIMES REPORTED IN THE RESIDENTIAL FACILITIES CATEGORY ARE ALSO INCLUDED IN THE ON CAMPUS CATEGORY**															

Hate Crimes in 2023:0, 2024:0, 2025: 1 Intimidation

ARRESTS and REFERRALS	On Campus			Residential			Non-Campus			Public Property			TOTAL		
	YEAR 2023	YEAR 2024	YEAR 2025	YEAR 2023	YEAR 2024	YEAR 2025	YEAR 2023	YEAR 2024	YEAR 2025	YEAR 2023	YEAR 2024	YEAR 2025	YEAR 2023	YEAR 2024	YEAR 2025
LIQUOR LAW ARRESTS	0	1	2	0	0	0	0	0	0	0	0	0	0	1	2
LIQUOR LAW VIOLATIONS REFERRED	24	34	66	20	32	66	0	0	0	0	0	0	24	34	66
DRUG LAW ARRESTS	2	3	1	0	2	0	0	0	0	0	0	0	2	3	1
DRUG LAW VIOLATIONS REFERRED	16	13	10	15	13	7	0	0	0	0	0	0	16	13	10
ILLEGAL WEAPONS POSSESSION ARRESTS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ILLEGAL WEAPONS VIOLATIONS REFERRED	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
** CRIMES REPORTED IN THE RESIDENTIAL FACILITIES CATEGORY ARE ALSO INCLUDED IN THE ON CAMPUS CATEGORY**															

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 Statitics 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) A 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 the 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. It 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.
- **Hazing:** Any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that –
 - (I) Is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and
 - (II) Causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury including-
 - (aa) whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity;
 - (bb) causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
 - (cc) causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
 - (dd) causing, coercing, or otherwise inducing another person to perform sexual acts;
 - (ee) any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
 - (ff) any activity against another person that includes a criminal violation of local, State, Tribal, or Federal law; and
 - (gg) any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, Tribal, or Federal law."

Student Organization -An organization at an institution of higher education (such as a club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, or student government) in which two or more of the members are students enrolled at the institution of higher education, whether or not the organization is established or recognized by the institution.

Annual Fire Safety 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 \$150) 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, some residence hall rooms are not designed for cooking. In White Hall, Pierce Hall, Liberty Hall, and the Suites, ovens and refrigerators are available in the residence hall community kitchenettes. Full-size refrigerators are prohibited in these residence halls and suite rooms, and personal refrigerators should not exceed 4.6 cubic feet or 1.5 amps. The 4th Street Apartments are equipped with university-assigned refrigerators and ovens. Cooking utensils with open flames, exposed heating coils, flammable liquids, or those that use cooking grease are not allowed in the residence halls. This includes grills used indoors, deep fryers, single burners, and similar items. Open-element appliances, such as space heaters, kerosene heaters, hot plates, electric skillets/fry pans, crockpots, Pizzazz pizza ovens, air fryers, and coffee pots with an open heating element, are not allowed. Small microwaves are allowed if in good working condition, and cooking devices are to be unplugged when not in use. Outdoor grills should be used at least 20 feet away from any building. Propane tanks shall not be stored inside any residence hall, and storage of these containers can be arranged by contacting maintenance.

The 4th Street Apartments are equipped with university-assigned refrigerators and ovens, and all apartments include kitchenettes where residents may use standard cooking appliances and tools commonly found in a typical kitchen within the designated areas. Permitted items in this area include indoor or George Foreman-type electric grills, hot plates, hot pots, hot air popcorn poppers, broilers, electric skillets/fry pans, crockpots, deep fryers, Pizzazz pizza ovens, air fryers, Instant Pots (or similar), coffee pots with an open heating element, kitchen knives, and similar items. However, the apartments are still not allowed to have cooking utensils with open flames, exposed heating coils, or flammable liquids, and open-element appliances such as space heaters and kerosene heaters are not allowed. Small microwaves are allowed if in good working condition, cooking devices must be unplugged when not in use, outdoor grills must be used at least 20 feet away from any building, and propane tanks may 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 112 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 Emergency Reference poster s placed strategically in residence halls and academic buildings, which specifies instructions on what to do for fire and evacuation. In addition, every room contains an evacuation floor plan map showing the location of exits on that floor.

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

Fire Reporting

The University campus community members (students, faculty, staff, and guests) are encouraged to report all fires, criminal actions, emergencies, or other safety-related incidents occurring within the University's Clery geography to the Buena Vista University Campus Security in an accurate, prompt, and timely manner. The University's Clery geography includes: on-campus property (including campus residence halls, buildings, and/or facilities), designated non-campus properties and facilities, public property adjacent to and immediately accessible from the on-campus property, and leased, rented, or otherwise recognized and/or controlled buildings, spaces, and/or facilities. If a member of the Buena Vista University finds evidence of a fire that has been extinguished, and the person is not sure whether Campus Security has already responded, the community member should immediately notify Campus Security to investigate and document the incident.

Daily Fire Log

The Campus Security Office maintains and records a daily log of all fires reported to campus authorities. The log includes fire information and is available upon request at the Campus Security Department in Student Success. The log is open to the public for inspection during normal business hours in the Student Success suite. A paper copy will be provided upon request. The request of portions older than sixty days is available within two business days of a request.

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.
- 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.
- Smoking is never allowed in University buildings and dorms.

What to do in Case of Fire

If you discover a fire:

- Immediately pull the nearest fire alarm as you exit the building.
- 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 Success.

- The fire alarm will alert people to evacuate the building; do not attempt to rescue others unless you can do so safely.
- When evacuating the building, remember to feel the 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.
- Leave the building at once, but stand by to direct emergency teams to the location of the fire.

Additional information for evacuation procedures in residence halls:

- Staff provides residents with fire evacuation procedures and will hold fire drills to prepare residents in case of a fire.
- Standards of student behavior in the residence halls require students to follow adopted emergency procedures specific to University housing. Any person found not leaving or attempting to re-enter the building during an alarm may face disciplinary charges.

Evacuation from the fire area for students, employees, and visitors:

- Feel the door from top to bottom. If it is hot, do not proceed; go back.
- If the door is cool, crouch low and open the door slowly. Close the door quickly if smoke is present; smoke inhalation can be deadly.
- If the area is smoke-free, exit through the nearest stairwell. Stay low if smoke conditions exist.
- NEVER USE ELEVATORS when there is a fire!
- If you encounter heavy smoke in a stairwell, go back and try another stairwell or fire escape.
- If you are trapped in a room, do the following:
 - Stuff wet towels or clothing under the door to keep smoke out.
 - Open the windows. Wave something out the window to attract attention, and yell for help.
 - If possible, dial 911; report your situation and location.
 - Keep a soaked towel over your head.
 - Stay low; breathe fresh air near the windows.
 - Stop, Drop, and Roll if clothing catches on 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 don't ever assume the alarm is a drill.
- **DO** remain in your room if you cannot get out of the building because of heat or smoke. Call 911 or 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 exiting 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 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 fire safety class at the beginning of the year, which includes

2023, 2024, and 2025 Statistics and Information Regarding Fires in BVU Residential Facilities

FIRE EVACUATION PROCEDURES

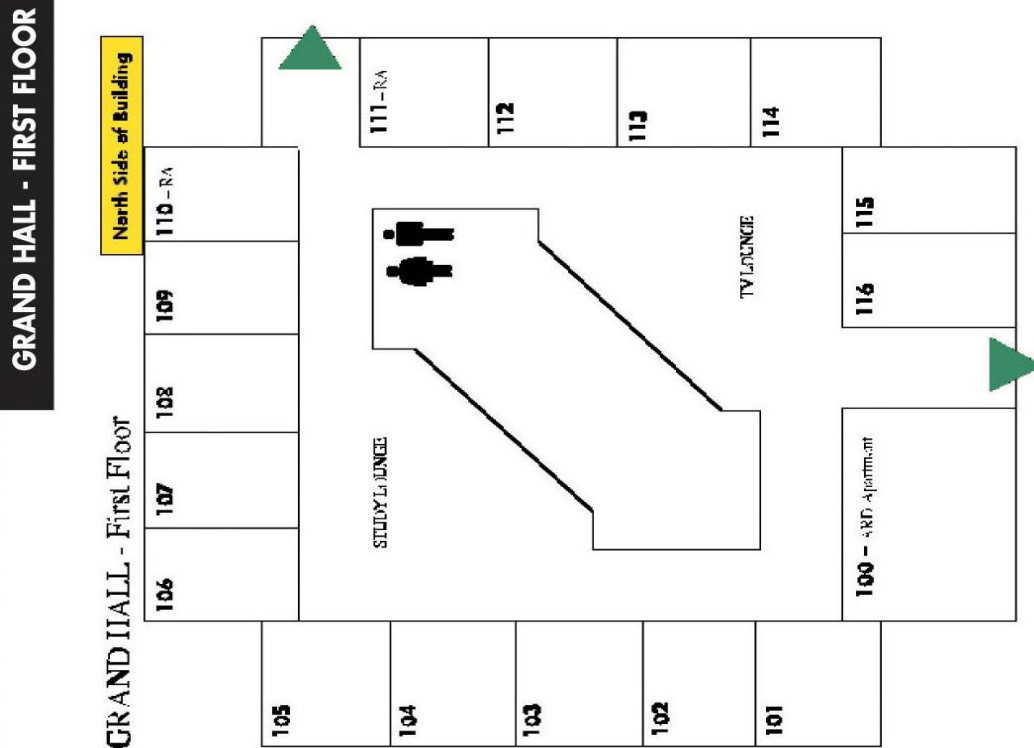
- 1.** If you suspect a fire, pull the fire alarm and then immediately report the problem to the Residence Hall Staff.
- 2.** If you hear an alarm at any time:
 - a.** Close windows.
 - b.** Put on hard soles shoes, dress for the weather, and grab a towel.
 - c.** Check the door for heat before opening 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, and 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.
 - f.** 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



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

**ANNUAL FIRE SAFETY REPORT/FIRE STATISTICS (On-Campus)
CALENDAR YEAR 2023**

Statistics and Related Information Regarding Fires in On-Campus Residential Facilities

Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries Requiring Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Briscoe Hall 811 West 4th Street	0	0	N/A	0	0	0.00
Constitution Hall 508 Grand Ave	0	0	N/A	0	0	N/A
Grand Hall 621 West 4th Street	0	0	N/A	0	0	N/A
Liberty Hall 511 Grand Ave	0	0	N/A	0	0	N/A
McCorkle Hall 825 West 4th St	1	1	Unknown	0	0	1,000.00
Pierce Hall 301 Grand Ave	0	0	N/A	0	0	N/A
Swope Hall 620 West 4th St	0	0	N/A	0	0	N/A
White Hall 301 Grand Ave	0	0	N/A	0	0	N/A

**ANNUAL FIRE SAFETY REPORT/FIRE STATISTICS (On-Campus)
CALENDAR YEAR 2024**

Statistics and Related Information Regarding Fires in On-Campus Residential Facilities

Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries Requiring Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Briscoe Hall 811 West 4th Street	0	0	N/A	0	0	N/A
Constitution Hall 508 Grand Ave	0	0	N/A	0	0	N/A
Grand Hall 621 West 4th Street	0	0	N/A	0	0	N/A
Liberty Hall 511 Grand Ave	0	0	N/A	0	0	N/A
McCorkle Hall 825 West 4th St	0	0	N/A	0	0	N/A
Pierce Hall 301 Grand Ave	0	0	N/A	0	0	N/A
Swope Hall 620 West 4th St	0	0	N/A	0	0	N/A
White Hall 301 Grand Ave	0	0	N/A	0	0	N/A

ANNUAL FIRE SAFETY REPORT/FIRE STATISTICS (On-Campus)
CALENDAR YEAR 2025
Statistics and Related Information Regarding Fires in On-Campus Residential Facilities

Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries Requiring Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Briscoe Hall 811 West 4th Street	0	0	N/A	0	0	N/A
Constitution Hall 508 Grand Ave	0	0	N/A	0	0	N/A
Grand Hall 621 West 4th Street	0	0	N/A	0	0	N/A
Liberty Hall 511 Grand Ave	0	0	N/A	0	0	N/A
McCorkle Hall 825 West 4th St	0	0	N/A	0	0	N/A
Pierce Hall 301 Grand Ave	1	1	N/A	0	0	Unknown
Swope Hall 620 West 4th St	0	0	N/A	0	0	N/A
White Hall 301 Grand Ave	0	0	N/A	0	0	N/A

Fire Safety Systems in Buena Vista University's On-Campus Residential Facilities

Current Fire Safety Systems in place within On-Campus Residential Facilities as of Calendar Year 2023

Facility	Clery Classification	Fire Detection System	Fire Suppression System	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of Evacuation (fire) Drills Each Calendar Year
Briscoe Hall 811 West 4th Street	On-Campus	Smoke Detectors	Full sprinkler system and fire extinguisher devices	Yes	Yes	2
Constitution Hall 508 Grand Ave	On-Campus	Smoke Detectors	Full sprinkler system and fire extinguisher devices	Yes	Yes	2
Grand Hall 621 West 4th Street	On-Campus	Smoke Detectors	Full sprinkler system and fire extinguisher devices	Yes	Yes	2
Liberty Hall 511 Grand Ave	On-Campus	Smoke Detectors	Full sprinkler system and fire extinguisher devices	Yes	Yes	2
McCorkle Hall 825 West 4th St	On-Campus	Smoke Detectors	Full sprinkler system and fire extinguisher devices	Yes	Yes	2
Pierce Hall 301 Grand Ave	On-Campus	Smoke Detectors	Full sprinkler system and fire extinguisher devices	Yes	Yes	2
Swope Hall 620 West 4th St	On-Campus	Smoke Detectors	Fire extinguisher devices	Yes	Yes	2
White Hall 301 Grand Ave	On-Campus	Smoke Detectors	Full sprinkler system and fire extinguisher devices	Yes	Yes	2

Current Fire Safety Systems in place within On-Campus Residential Facilities as of Calendar Year 2024

Facility	Clery Classification	Fire Detection System	Fire Suppression System	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of Evacuation (fire) Drills Each Calendar Year
Briscoe Hall 811 West 4th Street	On-Campus	Smoke Detectors	Full sprinkler system and fire extinguisher devices	Yes	Yes	2
Constitution Hall 508 Grand Ave	On-Campus	Smoke Detectors	Full sprinkler system and fire extinguisher devices	Yes	Yes	2
Grand Hall 621 West 4th Street	On-Campus	Smoke Detectors	Full sprinkler system and fire extinguisher devices	Yes	Yes	2
Liberty Hall 511 Grand Ave	On-Campus	Smoke Detectors	Full sprinkler system and fire extinguisher devices	Yes	Yes	2
McCorkle Hall 825 West 4th St	On-Campus	Smoke Detectors	Full sprinkler system and fire extinguisher devices	Yes	Yes	2
Pierce Hall 301 Grand Ave	On-Campus	Smoke Detectors	Full sprinkler system and fire extinguisher devices	Yes	Yes	2
Swope Hall 620 West 4th St	On-Campus	Smoke Detectors	Fire extinguisher devices	Yes	Yes	2
White Hall 301 Grand Ave	On-Campus	Smoke Detectors	Full sprinkler system and fire extinguisher devices	Yes	Yes	2

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McCorkle Hall 825 West 4th St	On-Campus	Smoke Detectors	Full sprinkler system and fire extinguisher devices	Yes	Yes	2
Pierce Hall 301 Grand Ave	On-Campus	Smoke Detectors	Full sprinkler system and fire extinguisher devices	Yes	Yes	2
Swope Hall 620 West 4th St	On-Campus	Smoke Detectors	Fire extinguisher devices	Yes	Yes	2
White Hall 301 Grand Ave	On-Campus	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, deciding 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 ensuring 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. The EOT will determine the appropriate community to notify and the content of the notification. 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 the 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 the 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.

The Director of Security or his/her designee or 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 members of the Emergency Operation Team are as follows:

- President
- Provost
- Vice President for Finance and Administration
- Vice President for Student Success
- Vice President for Enrollment Management and Marketing
- Assistant Dean of Student Success and Residence Life
- Director of Campus Security
- Chief Information Officer
- Director of University Marketing and Communications
- Director of Athletics

The University will test its emergency communication response and evacuation procedures on at least 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.

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| • January 10 th , 2025 | Evacuation/Fire Alarm Drills – Unannounced |
| • September 2nd, 2025 | Evacuation/Fire Alarm Drills – Unannounced |
| • January 16 th , 2025 | Emergency Communication Test – Announced |
| • September 4 th , 2025 | Emergency Communication Test – Announced |
| • March 10th, 2025 | Tabletop Exercise – Announced |
| • June 9 th , 2025 | Tabletop Exercise – Announced |
| • August 20th, 2025 | Tabletop Exercise – Announced |

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

An evacuation drill is coordinated by Campus Security during the fall and spring semesters for all residential facilities. Students learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a building evacuation. Campus Security does not tell residents in advance about the designated locations for long-term evacuations because those decisions are affected by the time of day, the location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. In both cases, Campus Security and Residence Life staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes. The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of an emergency. These evacuation drills are used to educate and train occupants on issues specific to their building. During the drill, occupants practice drill procedures and familiarize themselves with the location of exits and the sound of the fire alarm. In addition to educating the occupants of each building about the evacuation procedures during the drills, the process also provides the University with an opportunity to test the operation of fire alarm system components. Evacuation drills are monitored by Campus Security to evaluate egress and behavioral patterns. Reports are prepared which identify deficient equipment so that repairs can be made immediately. Recommendations for improvements are also submitted to the appropriate departments for consideration. The Residence Hall staff members are trained in these procedures as well and act as an ongoing resource for the students living in residential facilities.