



ANNUAL SECURITY AND FIRE SAFETY REPORT

William Penn University

2023 Campus Crime and Fire Statistics
Safety Policies and Procedures

Compiled by the Office of Campus Safety
641-673-1170

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act and the Violence Against Women Act (V.A.W.A.), a report disclosing crime statistics is made annually and posted to the William Penn University Web site at www.wmpenn.edu under Student Life/Campus Safety. Each year, an e-mail notification is sent to all students, faculty and staff that provides the URL to access this report. Copies of the report can also be obtained through the Campus Safety office of the university. Any prospective student or employee may also receive the report on request. The university submits the report to the database of the Office of Postsecondary Education (OPE) of the U.S. Department of Education.

Statistics are collected from the university daily crime log and from local law enforcement authorities with jurisdiction in the area of each campus. Information regarding policies and educational programming is submitted by the area of Student Services, including Campus Safety, Residence Life, the Counseling Center, and Student Activities. A hard copy of this report may be obtained from the Office of Campus Safety in the Dana M. Atkins Memorial Union.

Overview of Campus Safety

Campus Safety Personnel

Security is the responsibility of the Director of Campus Safety and other Campus Safety staff. Local law enforcement, upon request, provides quick response to security needs. Crimes or emergencies should be reported promptly by calling extension 1170 on campus or 641-673-1170 or by calling the local law enforcement center at 911.

The William Penn Campus Safety staff consists of non-student adult personnel who regularly patrol the campus. Along with other university offices, Campus Safety is responsible for enforcing university policies and regulations on university property. Members of the William Penn Campus Safety staff are not official law enforcement officers with arrest authority. The department works closely with the Oskaloosa and Mahaska County law enforcement agencies when incidents of a criminal nature arise. The Director of Campus Safety meets with the Chief of Police and/or his designee to collaborate on current cases and investigations. Problem issues that may involve William Penn University students in the Oskaloosa community are addressed. Reciprocity with the Mahaska County Emergency Management Director has been verbally established in the event of any natural disasters to assist with shelter needs.

Other duties of the Campus Safety department include securing and monitoring campus buildings, assisting the residence life staff, enforcement of campus parking regulations, and educating members of the campus community regarding their responsibilities for security and safety at William Penn.

Reporting Policy Violations and Criminal Activity on Campus

Prompt reporting of policy violations and/or criminal activity that occur on campus is the responsibility of all members of the William Penn University community. Reports of campus disciplinary policy violations can be made to Campus Safety or Residence Life personnel. Reports of criminal activity should be made with the campus safety office by calling 641-673-1170. Persons filing a report will need to provide information so that an incident report can be completed.

Campus safety personnel, in cooperation with local law enforcement authorities as necessary, will investigate each incident promptly and attempt to appropriately resolve each report. Criminal activity that is categorized on the FBI Uniform Crime Report is reported to local law enforcement agencies.

A listing of persons or departments that students and employees should report criminal offenses described in the law for the purpose of making timely warning reports and the annual statistical disclosure include:

- Director of Campus Safety
- Campus Safety Officers
- Dean of Students/Director of Residence Life
- Assistant Director of Residence Life

Victims or witnesses may report crimes on a voluntary, confidential basis for inclusion in the annual security report by reporting to any of the above individuals, or a designated Campus Security Authority (CSA). CSAs on campus have been identified as:

- All members of Campus Safety
- Dean of Students/Director of Residence Life
- Assistant Director of Residence Life
- Hall Directors
- Residence Assistants (RAs)
- Athletic Coaches
- Club/Activity Sponsors

Daily Crime Log

The Daily Crime Log is provided in accordance with the regulations set out under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. The Daily Crime Log is available for viewing Monday through Friday during normal business hours (8am – 5:00pm) at the Campus Safety office located in the Dana Atkins Memorial Union (2nd floor). Entries in the Daily Crime Log are statistical and do not identify the victim. Entries in the Daily Crime log will contain the following:

- a. Date/Time – The date & time the incident was reported.
- b. Date/Time – The date & time the incident occurred.
- c. Location – The location where the incident occurred.
- d. Offense - The Classification of the Offense that was reported. In the event that more than one offense is reported, all the offenses will be reported under this category.
- e. Disposition – The disposition is the current status of the reported incident.
 1. Open – The case is not cleared and has a reasonable solvability factor.
 2. Inactive – No current solvability factors present.
 3. Closed-Referred – Enforcement action taken.
 4. Unfounded: A determination is made through investigation that a reported offense or attempted offense is false or baseless.

Entries made into the Crime / Fire log are entered within 2 business days of the reported crime or fire.

Clery Campus Geography

Campus Facilities

Penn Hall houses classrooms and many offices, including those of the president, the business office, the academic dean, the advancement office, information technology, and the registrar. Also housed in Penn Hall are the Education Division curriculum labs, a computer lab, and the mail room/service center.

Wilcox Library provides an inviting atmosphere in which students may enjoy studying, reading, and relaxing. The library holds 68,000 volumes and subscribes to 204 periodicals. Its resources include an electronic classroom, thirty-two databases providing access to 31,731 full text journals, an online catalog, and Internet access. The library is also the home of the Foyer Art Gallery, the Rains Quaker Collection, the A. Willard and Christina Hendry Jones Collection of Mid-East art and artifacts and a student lounge/study area.

Spencer Memorial Chapel was donated to the university by Elizabeth Spencer as a memorial to her late husband, Harry L. Spencer. The chapel, in its Georgian Colonial design, was the first building to be erected after the college became established on the new campus. Its cornerstone was laid in October 1921 and the building was dedicated in 1923.

Dana M. Atkins Memorial Union houses the campus bookstore, student mail boxes, a game room and the main dining hall. Meeting rooms available for use are the Mahaska State Bank Room, Chief Mahaska Room and the Scheuermann Room. Offices for Campus Safety, Campus Ministries, Career Services, Counseling Center, Student Success Center (SSC) and Student Services/Residence Life are also located in the Union. A computer lab is located on the ground floor of the building.

Market Hall, our newest of the five residence facilities, was finished late in 2012 and is located on the east side of campus; *Eltse Hall* is located just north of Market Street Hall; *Watson Hall* is an all-male residence located west of Atkins Memorial Union; *Lewis Hall*, is located east of Penn Hall; and *Twin Towers* is located directly north of Lewis Hall. *Rosenberger Apartments* are located on the southwest edge of campus and are available to married students and students with children.

Penn Gymnasium was constructed in three phases, beginning in 1957. All home volleyball and basketball games are held on this court, which received a new floor in 1993 and new bleachers in 2006. In 1969, the upper gym was added and includes a regulation-size basketball court and classrooms. Physical education and some coaches' offices, as well as showers and lockers, are available in this building. In 1995, the *Ron Randleman Fitness Center* was added to the west side of the original gymnasium.

The baseball and softball diamonds are located on the west side of campus.

Edwin H. McGrew Fine Arts Center includes Ware Recital Hall, a rehearsal room for band and choir, and an art classroom. The nearby *Art Annex* serves as a ceramics laboratory.

The *Musco Technology Center (MTC)* opened in 2008 and is home to the Industrial Technology classrooms and programs in Digital Communication. The MTC offers film studios and editing bays along with labs for industrial technology and applied computer science. The MTC is also home to the Communication Research Institute of William Penn University (CRI).

The *PAC (Penn Activity Center)* offers a fitness center, ball courts, nearly 50 yards of artificial turf, locker rooms, athletic training facilities, a wrestling room and an elevated running track. On the academic side of the building, science labs, classrooms, faculty offices and an auditorium are housed in the center. The PAC Café serves up sandwiches, salads and other snacks.

Statesmen Community Stadium located at the Lacey Recreation Complex is an athletic facility that is utilized by a wide range of users and groups. The stadium currently consists of a field turf football field, a soccer field and an all-weather 8-lane track.

On the north side of Penn Hall, the *George Daily Pavilion* was completed in 2017. The area features two covered pavilions and a sand volleyball court for students, faculty/staff, and alumni.

Statesmen Lanes and Community Event Center located at 1700 A Avenue East in Oskaloosa, serves the public in the greater Mahaska County community, as well as providing a home for the Statesmen men's and women's bowling programs. The building houses 16 natural wood Brunswick lanes with computerized scoring and a Pro Shop for any bowling equipment needs. Leagues and open bowling are offered year-round. The lower level has a banquet room and partial kitchen for receptions and events.

Across town is the old campus to the now-closed *Vennard College*. William Penn University does not own this property, but a few of the buildings are used for William Penn University functions. The previous *Vennard Student Union* is used by the Marching Band for practice facilities.

Access to Campus Facilities Policy

The safety and security of all members of the campus community are a primary concern of the Campus Safety staff. While William Penn is a comparatively safe place, the campus is not exempt from the type of problems that can exist in surrounding central Iowa communities. The goal of Campus Safety is to maintain a safe environment in which all campus community members can work, learn and live. The attainment of this goal requires cooperation from everyone at William Penn.

The security of all campus facilities, including housing units, is the responsibility of all members of the William Penn University community and their guests. Campus Safety works with the University's campus support partner (Sodexo) and individual building directors of each campus facility to establish and implement a daily lock up time for each building. In the interest of student safety, residence halls are locked 24 hours a day and can be accessed only by the key cards issued to resident students and supervisory staff.

The University is available to students, employees, parents, guests and outside vendors Monday-Friday, 8 am-5 pm. During non-business hours and University breaks, employees must use their University-issued key to gain entry into their approved building(s) or by contacting Campus Safety for entry.

Property Adjacent to Campus

Streets, sidewalks and parking facilities that are within the campus or immediately adjacent to and accessible from the campus are defined and crimes that occur in these locations will be reported.

Off-Campus Activities

Off-campus organizations are not recognized by William Penn University.

Reporting Procedures

Reporting a Crime or Emergency

All students, employees and others are encouraged to report crimes and incidents to Campus Safety as soon as they are aware. Campus Safety may be reached at 641-673-1170 and Oskaloosa Police by dialing 911.

The Campus Safety team is on campus 24 hours a day during the academic year. Once a call for service is placed, the Campus Safety Officer on duty will respond as necessary.

Campus Safety collaborates with other offices on campus, including, but not limited to Student Services/Residence Life, Academic Dean, Campus Ministry and Campus Counselor. Off-campus resources are also available, including Crisis Intervention Services (CIS).

Reporting Sexual Assault

No one has the right to force or pressure another to have sex. Sexual assaults, including rape, are serious crimes of violence in which the assailant by threat or physical force involves or attempts to involve the victim in involuntary sexual contact. Any student or employee who believes he or she has been sexually assaulted should immediately report the incident to a staff member, Campus Safety or Residence Life. Other university officials who receive a report or who have knowledge of a sexual assault should similarly report the matter to those authorities.

Time is a critical factor for evidence collection and preservation; therefore, any victim/survivor of sexual assault is advised to seek immediate medical and emotional assistance. A victim/ survivor may call any of the following people or agencies:

- Campus Safety Officer: 641-673-1170 or extension 1170 from campus phone
- 24 hour Crisis Intervention Services: 800-270-1620
- Mahaska Health Partnership: 641-672-3100
- Dean of Students/Director of Residence Life: 641-673-1084
- Assistant Director of Residence Life: 641-673-2123
- Oskaloosa Police Department: 911
- Residence hall staff member
- Title IX Coordinator: 641-673-1703

The university recognizes that any decision to report a sexual assault to the police is the right of the victim. University personnel responding to an incident of sexual assault will inform the victim of the options of criminal prosecution, medical assistance, and the university judicial process and will also assist the victim with these contacts, if requested. In addition, confidential counseling, support resources, and alternative academic and living arrangements (if available) will be provided if requested.

University personnel are obligated to immediately report all suspected or alleged incidents of sexual violence occurring on campus property to one of the contact persons listed under the sexual harassment policy. Licensed counselors and members of campus ministry are regarded as confidential resources and are not obligated to report incidents of sexual violence.

University disciplinary proceedings as well as special guidelines for cases involving sexual misconduct are detailed in the Student Handbook. The handbook provides, in part, that the accused and the victim will each be allowed to choose one person who has had no formal legal training to accompany them throughout the hearing. Both the victim and accused will be informed of the outcome of the hearing. A student found guilty of violating the university sexual misconduct policy could be criminally prosecuted in the state courts and may be suspended or expelled from the university for the first offense.

Sexual Assault Victim/Survivor Considerations

1. Get to a safe place and request support. Members of the Residence Life staff, Campus Safety or the Campus Counselor are excellent on-campus resources. Crisis Intervention Services can also provide resources and support.
2. Get medical attention. If you are injured, please consider receiving medical attention as soon as it is safe and possible for you to do so. Trained medical professionals can assist you in the assessment and treatment of injuries, as well as answering questions about your health.
3. Preserve evidence. Do not change your clothes, shower, bathe or douche. Save all clothing, linens or other items that may have been touched by the assailant so they may be given to the police for evidence. All physical evidence could be used in court.
4. Consider reporting the sexual assault. This is a crime and you are strongly encouraged to report it. This does not commit you to filing a complaint with the University or criminal charges. That decision can be made later.

Reporting Physical Violence/Domestic Violence

All William Penn University employees are Mandatory Reporters as it relates to incidents of Domestic/Physical violence that comes to their attention. These incidents shall be reported to the On-Duty Campus Safety officer, who will inform the Director of Campus Safety. The Title IX (VAWA) coordinator (or designee) will initiate an investigation. Confidentiality will be strictly maintained. Cases that are deemed founded will be referred for disciplinary review. Students that are made aware of a Domestic/Physical violence situation are strongly encouraged to make a report to any William Penn University employee for investigation.

Crime Prevention Programming

William Penn University provides opportunities for employees and students, including on-campus students, to meet to discuss safety procedures and policies. At the beginning of the academic year, all residents are required to attend a meeting to discuss safety procedures and residence hall rules. All on-campus students are responsible for maintaining their residence hall key and ID at all times. The following guidelines are offered as reminder for residence hall keys:

1. Lock your doors whenever you leave and when you are asleep.
2. Do not loan your keys to anyone. If you loan your keys, you and the person to whom you loan your keys will be fined \$75 due to safety concerns.
3. Report lost keys immediately.
4. Do not mark your key with your room number.
5. Never leave your keys unattended.
6. If you find a lost key, return it to the RA on duty or to the Residence Life office or Campus Safety.

7. Any resident caught propping an exit or hallway doors in any dorm will be fined \$100 due to safety concerns.

Personal Property Guidelines

William Penn University does not carry insurance on personal property belonging to students or university employees. Students are asked to carry insurance on their belongings for their own protection. They are also advised not to bring irreplaceable items to campus. Students are also advised to lock their doors at all times.

Operation Identification is presented at the beginning of each semester with voluntary participation. This program is coordinated through the Campus Safety office, where students can bring in their valuable items and have them captured on a photo log and have the serial numbers recorded. A participation sticker is issued and encouraged to be displayed.

Guests and Escort Policy

Residents are responsible for their guests at all times when in the residence hall, including hallways, stairwells and public lounges.

Students and employees may contact Campus Safety by calling 641-673-1170 if they would like an escort between buildings at any time. Students are encouraged to walk with others after dark.

Missing Student Policy

Federal law requires colleges and universities to establish a missing student policy and related procedures for students who reside in on campus housing.

Students, employees or other individuals should file a report if they believe a student is missing. This can be reported to any of the following individuals:

Dean of Students/Director of Residence Life	641-673-1084
Assistant Director of Residence Life	641-673-2123
Director of Campus Safety	641-673-1170
Campus Safety Officer	641-673-1170

Any missing student report must be referred immediately to William Penn University's Campus Safety Office.

Missing Student Confidential Contact

Each student has the option to identify a contact person or persons to be contacted by William Penn University within 24 hours of the determination that a student is missing, if the student has been determined missing by the Campus Safety Office or local law enforcement.

Each student may register the identity of this individual, known as the Missing Student Confidential Contact, on their residence hall application or by contacting the Residence Life Office. This confidential information will be held in the Residence Life Office and may be updated at any time. This information will be accessible only to authorized campus officials and it will not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation.

If a student is under 18 years of age and not emancipated, William Penn University is required by federal law to notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student.

William Penn University will notify local law enforcement within 24 hours of the determination that the student is missing, unless local law enforcement was the entity that made the determination that the student is missing.

Procedure If You Believe a Student Is Missing

- Immediately notify a Residence Life staff member or a Campus Safety Officer. A report will be filed with Campus Safety and an investigation initiated.
- After investigating, Campus Safety will make a determination as to whether or not the student is missing and has been missing for more than 24 hours. The method of investigation may include one or more of the following approaches:
 - Call the phone number the student provided during student verification
 - Go to the student's residence hall room
 - Speak with RAs, Hall Directors, or other students to determine when student was last seen.
 - Send the student an email.
 - Check the student's social media sites, including Facebook or Twitter for recent activity.
 - If the student registered a car with the University, look for that car on campus grounds.
 - The Information Technology Services Department may be asked to obtain logs to determine the last log-in or access of the network.
 - Campus Safety may review security camera footage.
 - Residence Life may access the log to determine the last time the student's ID card was used to enter their residence hall or eat in the cafeteria.
- If the student is determined to be missing, the student's confidential contact (if the student has provided a confidential contact) will be contacted within 24 hours of that determination.
- If the missing student is under 18 years of age and not emancipated, William Penn University officials will notify a custodial parent or guardian and any other designated contact person within 24 hours that the student is determined missing.
- Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, Oskaloosa Police Department will be notified within 24 hours that the student has been determined missing.

University Policy Information

In instances of Dating Violence, Domestic Violence, Sexual Assault, Sexual Harassment, Harassment and Stalking, the University will:

1. Encourage victim/survivors to preserve evidence that may assist in providing that the alleged offense occurred and to also help in the effort of obtaining a protection order.
2. Encourage victim/survivors to report the alleged offense to one of the following members of the campus community:
 - Residence hall staff member

- Campus Safety Officer 641-673-1170 or cell phone 641-670-3431
 - Student Services/Residence Life Office 641-673-1084 or 641-673-2123
3. Provide the victim/survivor options regarding law enforcement, including Campus Safety and local police.
 4. Provide the victim/survivor support in notifying law enforcement authorities if he or she chooses to do so.
 5. Provide the victim/survivor the option to decline to notify such authorities of the alleged crime.
 6. Protect the confidentiality of the victim/survivor and other necessary parties, including:
 - a. Complete publicly available records, including Clery Act reporting and disclosures, without inclusion of personally identifying information about the victim/survivor.
 - b. Maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.
 7. Provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available for victims, both within the University and in the community. Local services available include:
 - 24 hour Crisis Intervention Services 800-270-1620
 - Mahaska Health Partnership 641-672-3100
 8. The institution will provide written notification to victims about options for, available assistance in, and how to request changes to academic, living transportation and working situations or protective measures. These accommodations can be made such as the victim/survivor requests them and they are reasonably available, regardless on if the victim/survivor chooses to report the crime to campus police or local law enforcement.

Domestic Violence and Dating Violence Policy

William Penn University does not tolerate domestic violence or dating violence by a student, faculty or staff member against any student, faculty or staff member. Domestic violence and dating violence is a violation of the standards of the university community and a criminal act within the laws of the State of Iowa. William Penn University encourages individuals who believe they have been victims of such actions to pursue criminal action against the alleged perpetrator of the violence/abuse. An individual may pursue criminal action and file an internal university compliant concurrently.

Definition

Domestic Abuse under Iowa Chapter 236: “Domestic abuse” means committing assault as defined in section 708.1 under any of the following circumstances:

- a. The assault is between family or household members who reside together at the time of the assault.
- b. The assault is between separated spouses or persons divorced from each other and not residing together at the time of the assault.
- c. The assault is between persons who are parents of the same minor child, regardless of whether they have been married or have lived together at any time.
- d. The assault is between persons who have been family or household members residing together within the past year and are not residing together at the time of the assault.

- e. (1) the Assault is between persons who are in an intimate relationship or have been in an intimate relationship and have had contact within the past year of the assault. In determining whether the person are or have been in intimate relationship, the court may consider:
 - a. The duration of the relationship
 - b. The frequency of the interaction
 - c. Whether the relationship has been terminated
 - d. The nature of the relationship, characterized by either party's expectation of sexual romantic involvement.
- (2) A person may be involved in intimate relationship with more than one person at a time.

Assault under Iowa Code 708.1: An assault as defined in this section is general intent crime. A person commits an assault when, without justification, the person does any of the following:

1. Any act which is intended to cause pain or injury to, or which is intended to result in physical contact which will be insulting or offensive to another, coupled with the apparent ability to execute the act.
2. Any act which is intended to place another in fear of immediate physical contact which will be painful, injurious, insulting, or offensive, coupled with the apparent ability to execute the act.
3. Intentionally points any firearm toward another, or displays in a threatening manner any dangerous weapon towards another. Provided that where the person doing any of the above enumerated acts, and such other person, are voluntary participants in a sport, social, or other activity, not in itself criminal, and such act is reasonably foreseeable incident of such sport or activity, and does create an unreasonable risk of serious injury or breach of the peace the act shall not be an assault.

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

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

- (i) The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- (ii) For the purposes of this definition--
 - (A) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - (B) Dating violence does not include acts covered under the definition of domestic violence.

Immediate Action

Any victim/survivor of domestic or dating violence is advised to seek immediate medical and emotional assistance. A victim/ survivor may call any of the following people or agencies:

- Residence hall staff member
- Campus Safety Officer 641-673-1170 or cell phone 641-670-3431
- 24 hour Crisis Intervention Services 800-270-1620
- Mahaska Health Partnership 641-672-3100
- Student Services/Residence Life Office 641-673-1084 or 641-673-2123
- Oskaloosa Police Department 911

The university recognizes that any decision to report domestic violence or dating violence to the police is the right of the victim. However, university personnel responding to an incident of domestic violence or dating violence will inform the victim of the options of criminal prosecution, medical assistance, and the university judicial process and will also assist the victim with these contacts, if requested. In addition, confidential counseling, support resources, and alternative housing arrangements are available if changes are required.

It is also encouraged that the victim/survivor preserve evidence that may assist in proving that the alleged offense occurred and may be helpful in obtaining a protection order.

Confidentiality and Prohibition of Retaliation

Confidentiality shall be maintained to the greatest extent possible while conducting investigations. Only those who have an immediate need to know will or may find out the identity of the parties. Any retaliation against a complainant or witness is prohibited specifically by this policy and the person(s) will be disciplined.

Sexual Assault and Sexual Violence Policy

William Penn University does not tolerate sexual assault or sexual violence by a student, faculty, or staff member against any student, faculty, or staff member. Sexual assault, including acquaintance or date rape, is both a violation of the standards of the university community and a criminal act within the laws of the State of Iowa. William Penn University encourages individuals who believe they have been victims of sexual assault to pursue criminal action against the alleged perpetrator of the sexual assault. An individual may pursue criminal action and file an internal university complaint concurrently.

Definition

Under Iowa law, sexual assault and sexual violence may include a range of sexual conduct including stranger rape, acquaintance rape, same-sex assault, child sexual abuse, incest, and unwelcome touching or contact. Sexual assault may include sexual penetration, sexual contact carried out under coercion, with the threat of force or weapon, through a position of authority, or when the victim is mentally disabled or physically helpless. Sexual assault may also include physical contact with a person's genital area, other bodily orifices, or with a person's buttocks or breasts, if the contact of touching is without consent. It is sexual violence even if:

- The assault happens on a date
- Individuals have engaged in sexual contact prior to the assault
- Individuals have had consensual intercourse in the past
- Individuals are married
- Individuals are under the influence of alcohol and/or drugs
- No weapon was involved
- No evidence of a struggle or resistance was evident
- There were no other witnesses

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

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

- A. The act is done by force or against the will of the other. If the consent or acquiescence of the other is procured by threats or violence toward any person, or if the act is done while the other is under the influence of a drug-inducing sleep or is otherwise in a state of unconsciousness, the act is done against the will of the other.
- B. Such other participant is suffering from a mental defect or incapacity which precludes giving consent, or lacks the mental capacity to know the right and wrong of conduct in sexual abuse.
- C. Such other participant is a child.

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

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

709.11 Assault with Intent to Commit Sexual Abuse: Any person who commits an assault, as defined in section 708.1, with the intent to commit sexual abuse:

1. Is guilty of a class "C" felony if the person thereby causes serious injury to any person.
2. Is guilty of a class "D" felony if the person thereby causes any person a bodily injury other than a serious injury.
3. Is guilty of an aggravated misdemeanor if no injury results.

Immediate Action

Any victim/survivor of sexual assault is advised to seek immediate medical and emotional assistance. A victim/ survivor may call any of the following people or agencies:

- Residence hall staff member
- Campus Safety Officer 641-673-1170 or cell phone 641-670-3431
- 24 hour Crisis Intervention Services 800-270-1620
- Mahaska Health Partnership 641-672-3360
- Student Services/Residence Life Office 641-673-1084 or 641-673-2123
- Oskaloosa Police Department 911

The university recognizes that any decision to report a sexual assault to the police is the right of the victim. However, university personnel responding to an incident of sexual assault will inform the victim of the options of criminal prosecution, medical assistance, and the university judicial process and will also assist the victim with these contacts, if requested. In addition, confidential counseling, support resources, and alternative housing arrangements are available if changes are required.

University personnel are obligated to immediately report all suspected or alleged incidents of sexual violence occurring on campus property to one of the contact persons listed under the Sexual Harassment policy. Licensed counselors and members of campus ministry are regarded as confidential resources and are not obligated to report incidents of sexual violence.

Sexual Harassment/Harassment/Stalking Policy

William Penn University strives to recognize human dignity and therefore does not tolerate sexual harassment or any other type of harassment within or connected to this institution.

Harassment/stalking is illegal and unfairly interferes with the opportunity for all persons, regardless of gender, to have a comfortable and productive education and work environment. We are committed to taking all reasonable steps to prevent sexual harassment and to discipline those who harass. We believe that a person is entitled to say “No” to unwanted conduct without fear of reprisal or retribution from any person, including faculty, staff and supervisors.

Sexual harassment is a form of discrimination based on unwanted sexual behavior that is threatening, demeaning, or offensive, and unreasonably interferes with an individual’s ability to work, learn, or otherwise participate in the services and benefits of activities and programs provided by William Penn University. Sexual harassment is illustrated by, but not limited to, the following:

- Persistent unwelcome requests for a date.
- Persistent unwelcome requests for sexual favors or acts.
- Continued expressions of sexual interest after being informed that the interest is unwelcome.
- Non-consensual or unwelcome physical contact.
- Nude or semi-nude posters or photos, cartoons, or graffiti that are demeaning or offensive displayed in the workplace or public area of the campus.
- Unwelcome visual contact, calculated to be threatening and/or that unreasonably interferes with a person’s ability to work or learn.

- Retaliation, retribution, or reprisals in any form or manner in response to complaints about harassing conduct to stop, or for assisting a person with a complaint of harassment.
- The use of physical strength to interfere with job performance or learning.
- Preferential treatment or promise of preferential treatment for submitting to sexual conduct.

This list is not intended to be nor should it be construed as all-inclusive of prohibited acts under this policy. Any of the prohibited conduct described here is sexual harassment of anyone at whom it is directed or who is otherwise subjected to it. Each incident of harassment contributes to a general atmosphere in which everyone suffers the consequences. Sexually oriented acts and sex-based conduct have no legitimate basis in a higher education institution; accordingly, the person who engages in such will be made to bear the full responsibility for such unlawful conduct.

Definitions

Pursuant to Iowa code 708, the following is the statutory definition of Harassment:

708.7 Harassment:

1. *a.* A person commits harassment when, with intent to intimidate, annoy, or alarm another person, the person does any of the following:

(1) Communicates with another by telephone, telegraph, writing, or via electronic communication without legitimate purpose and in a manner likely to cause the other person annoyance or harm.

(2) Places a simulated explosive or simulated incendiary device in or near a building vehicle, airplane, railroad engine or railroad car, or boat occupied by another person.

(3) Orders merchandise or services in the name of another, or to be delivered to another without the other person's knowledge or consent.

(4) Reports or causes to be reported false information to a law enforcement authority implicating another in some criminal activity, knowing that the information is false, or reports the alleged occurrence of a criminal act, knowing the act did not occur.

(5) Disseminates, publishes, distributes, posts, or causes to be disseminated, published, distributed, or posted a photograph or film showing another person in a state of full or partial nudity or engaged in a sex act, knowing that the other person has not consented to the dissemination, publication, distribution, or posting.

b. A person commits harassment when the person, purposefully and without legitimate purpose, has personal contact with another person, with the intent to threaten, intimidate, or alarm that other person.

2. *a.* A person commits harassment in the first degree when the person commits harassment involving any of the following:

(1) A threat to commit a forcible felony.

(2) A violation of subsection 1, paragraph "a", subparagraph (5).

(3) Commits harassment and has previously been convicted of harassment three or more times under this section or any similar statute during the preceding ten years.

b. Harassment in the first degree is an aggravated misdemeanor.

3. *a.* A person commits harassment in the second degree when the person commits harassment involving a threat to commit bodily injury, or commits harassment and has previously been convicted of harassment two times under this section or any similar statute during the preceding ten years.

b. Harassment in the second degree is a serious misdemeanor.

4. *a.* Any other act of harassment is harassment in the third degree.

b. Harassment in the third degree is a simple misdemeanor.

5. For purposes of determining whether or not the person should register as a sex offender pursuant to the provisions of chapter 692A, the fact finder shall make a determination as provided in section 692A.126. However, the fact finder shall not make a determination as provided in section 692A.126 regarding a juvenile convicted of a violation of subsection 1, paragraph “a”, subparagraph (5), and the juvenile shall not be required to register as a sex offender with regard to the violation.

6. The following do not constitute harassment under subsection 1, paragraph “a”, subparagraph (5):

a. A photograph or film involving voluntary exposure by a person in public or commercial settings.

b. Disclosures made in the public interest, including but not limited to the reporting of unlawful conduct, disclosures by law enforcement, news reporting, legal proceeding disclosures, or medical treatment disclosures.

c. Disclosures by an interactive computer service of information provided by another information content provider, as those terms are defined in 47 U.S.C. §230.

7. As used in this section, unless the context otherwise requires:

a. “*Full or partial nudity*” means the showing of any part of the human genitals or pubic area or buttocks, or any part of the nipple of the breast of a female, with less than fully opaque covering.

b. “*Personal contact*” means an encounter in which two or more people are in visual or physical proximity to each other. “*Personal contact*” does not require a physical touching or oral communication, although it may include these types of contacts.

Pursuant to Iowa code 708, the following is the statutory definition of Stalking:

708.11 Stalking:

1. As used in this section, unless the context otherwise requires:

a. “*Accompanying offense*” means any public offense committed as part of the course of conduct engaged in while committing the offense of stalking.

b. “*Course of conduct*” means repeatedly maintaining a visual or physical proximity to a person without legitimate purpose, repeatedly utilizing a technological device to locate, listen to, or watch a person without legitimate purpose, or repeatedly conveying oral or written threats, threats implied by conduct, or a combination thereof, directed at or toward a person.

c. “*Immediate family member*” means a spouse, parent, child, sibling, or any other person who regularly resides in the household of a specific person, or who within the prior six months regularly resided in the household of a specific person.

d. “*Repeatedly*” means on two or more occasions.

2. A person commits stalking when all of the following occur:

a. The person purposefully engages in a course of conduct directed at a specific person that would cause a reasonable person to feel terrorized, frightened, intimidated, or threatened or to fear

that the person intends to cause bodily injury to, or the death of, that specific person or a member of the specific person's immediate family.

b. The person has knowledge or should have knowledge that a reasonable person would feel terrorized, frightened, intimidated, or threatened or fear that the person intends to cause 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.

3. *a.* A person who commits stalking in violation of this section commits a class "C" felony for a third or subsequent offense.

b. A person who commits stalking in violation of this section commits a class "D" felony if any of the following apply:

(1) The person commits stalking while subject to restrictions contained in a criminal or civil protective order or injunction, or any other court order which prohibits contact between the person and the victim, or while subject to restrictions contained in a criminal or civil protective order or injunction or other court order which prohibits contact between the person and another person against whom the person has committed a public offense.

(2) The person commits stalking while in possession of a dangerous weapon, as defined in section 702.7.

(3) The person commits stalking by directing a course of conduct at a specific person who is under eighteen years of age.

(4) The offense is a second offense.

c. A person who commits stalking in violation of this section commits an aggravated misdemeanor if the offense is a first offense which is not included in paragraph "b".

4. Violations of this section and accompanying offenses shall be considered prior offenses for the purpose of determining whether an offense is a second or subsequent offense. A conviction for, deferred judgment for, or plea of guilty to a violation of this section or an accompanying offense which occurred at any time prior to the date of the violation charged shall be considered in determining that the violation charged is a second or subsequent offense. Deferred judgments pursuant to section 907.3 for violations of this section or accompanying offenses and convictions or the equivalent of deferred judgments for violations in any other states under statutes substantially corresponding to this section or accompanying offenses shall be counted as previous offenses. The courts shall judicially notice the statutes of other states which define offenses substantially equivalent to the offenses defined in this section and its accompanying offenses and can therefore be considered corresponding statutes. Each previous violation of this section or an accompanying offense on which conviction or deferral of judgment was entered prior to the date of the violation charged shall be considered and counted as a separate previous offense. In addition, however, accompanying offenses committed as part of the course of conduct engaged in while committing the violation of stalking charged shall be considered prior offenses for the purpose of that violation, even though the accompanying offenses occurred at approximately the same time. An offense shall be considered a second or subsequent offense regardless of whether it was committed upon the same person who was the victim of any other previous offense.

5. Notwithstanding section 804.1, rule of criminal procedure 2.7, Iowa court rules, or any other provision of law to the contrary, upon the filing of a complaint and a finding of probable cause to believe an offense has been committed in violation of this section, or after the filing of an indictment or information alleging a violation of this section, the court shall issue an arrest warrant, rather than a citation or summons. A peace officer shall not issue a citation in lieu of arrest for a violation of this section. Notwithstanding section 804.21 or any other provision of law to the contrary, a person arrested

for stalking shall be immediately taken into custody and shall not be released pursuant to pretrial release guidelines, a bond schedule, or any similar device, until after the initial appearance before a magistrate. In establishing the conditions of release, the magistrate may consider the defendant's prior criminal history, in addition to the other factors provided in section 811.2.

6. For purposes of determining whether or not the person should register as a sex offender pursuant to the provisions of chapter 692A, the fact finder shall make a determination as provided in section 692A.126.

Scope of Policy

This policy applies to administrators, faculty, staff, students, agents, and contractors at all times and places in connection with this institution. Compliance is a condition of being enrolled as a student at William Penn. This policy applies to those who do business here. Compliance with this policy is a condition of employment with this institution. The terms "employee" and "employment" include, but not limited to, faculty, staff, administrators, agents, and contractors.

Discipline

In the event of the determination of harassment, discipline may include, but is not limited to, any of the following:

- Oral reprimand
- Written reprimand
- Suspension (with or without pay)
- Termination of contractual relationships
- Termination or dismissal
- Initiation of a university-mandated no-contact order
- Suspension from school
- Expulsion from school

Exclusively a committee composed of the contact people that have been designated by the institution shall determine the final discipline. A determination of sexual harassment under this policy shall be placed in the harasser's file.

Harassment of employees or student by third parties is not acceptable. William Penn University will do whatever is reasonable to stop such harassment. Harassment is a violation of state and federal laws and the harasser may be charged by appropriate agencies.

Contact Persons

The designated contact persons listed below are trained in identifying sexual harassment and handling sexual harassment complaints. They are also available to assist you in identifying and stopping sexual harassment.

- Title IX Coordinator (Student Union)
- Dean of Academic Affairs (Penn Hall)
- Dean of Students (Student Union)
- Mental Health Coordinator (Student Union)
- Campus Safety (Student Union)

Procedures

The purpose of these procedures is to provide a prompt and fair resolution of problems and to preserve the due process rights of all involved, including the rights to receive notice of complaints and to have an opportunity for an impartial investigation. These procedures also are created to provide for discipline of violators of this policy. However, administration may take immediate action to stop harassment if reasonably necessary and is not limited to the process provided herein. Anyone who has observed sexual harassment should report it to the Title IX Coordinator.

All cases of alleged Sexual Harassment, or Relationship Misconduct, will be investigated jointly by the Title IX Committee. If, prior to the initiation of the investigation, either the complainant or the respondent alleges that an investigator has a conflict of interest, after hearing from both parties on the topic, the Title IX Coordinator will decide whether to excuse the investigator and announce his/her decision in writing to both parties. If the Title IX Coordinator determines that the investigator should be excused, or if an investigatory is unavailable to conduct the investigation, the Title IX Coordinator will appoint a replacement investigator. *The University reserves the right, in the discretion of the Title IX Coordinator and/or the President, to utilize an external investigator(s) to conduct an investigation under this Policy, in lieu of the internal investigators identified herein.

Upon receipt of a complaint or report of Sexual or Relationship Misconduct, the Title IX Coordinator will prepare a notice of complaint/investigation document that identifies:

- a) The respondent
- b) The complainant (unless the Title IX Coordinator has decided to honor a request by the complainant to remain confidential)
- c) The date(s) of the allege misconduct
- d) A brief description of the allegation
- e) The specific provisions of this Policy that were allegedly violated
- f) The investigatory process that will follow. This notice of complaint/investigation document will be provided to both parties. If reasonably possible, the Title IX Coordinator should deliver the notice of complaint/investigation document to both individuals personally, so that he/she can explain the nature of the complaint(s) and the investigatory process.

During the investigation, both the complainant and respondent:

- a) Will be allowed to present their version of events to the investigators and to provide any supporting evidence.
- b) May be accompanied in their interviews by a silent representative or support person. The silent representative or support person will not be allowed to provide information to the investigators or ask questions of the party during the interview process. The investigators will have the right to end the interview or ask the representative to leave the interview if the representative is violating these restrictions or otherwise interfering in the investigation process.
- c) May utilize a William Penn University process advocate through the investigatory process.
- d) Will be allowed to identify witnesses, all of whom will be interviewed by the investigators absent a compelling reason why such an interview cannot take place. If the investigators determine that an identified witness cannot or should not be interviewed, both parties will be informed in writing of this decision, unless safety considerations prevent such disclosure.
- e) Will be given an opportunity to review all tangible evidence submitted or identified by the other party and given an opportunity to comment on that evidence, unless safety considerations prevent such disclosure.
- f) Will be notified of the witnesses identified by the other party and be given an opportunity to comment on those witnesses and identify rebuttal witnesses, unless safety considerations prevent such disclosure.

All investigations will be conducted as discreetly as is practicable. All witness interviews will be audio recorded, and all such recordings shall at all times remain the property of the University. Investigators are encouraged to confer with the Title IX Coordinator throughout the process in an effort to ensure compliance with the outlined processes. Individuals making good faith allegations of Sexual or Relationship Misconduct and those participating in such investigations will not be subjected to Retaliation.

At the conclusion of the investigation, the Investigators will determine whether a Preponderance of the Evidence supports a finding that this Policy was violated. A Preponderance of the Evidence is evidence from which the Investigators can determine that it is more likely than not that a violation occurred. The Investigators will prepare a written Investigation Report that includes a Notice of Decision (as described in Section G below) describing their decision and rationale. IF the Investigators determine that the violations occurred, the Notice of Decision will identify the specific policy violation(s) and any sanction/remedial efforts. Once the Investigation Report has been completed, the Title IX Coordinator will deliver the report to both parties. The Investigators' compilation of evidentiary materials collected during the investigation (including interview recordings, notes, statements, research and tangible evidence) comprises the Investigation Materials. Within five (5) calendar days of the date of the Notice of Decision, either party may request to see the Investigation Materials. The Title IX Coordinator will provide access to the Materials during a meeting with the requesting party, but the party will not be allowed to make or retain copies of the Materials.

If neither party appeals the decision of the Investigators within five (5) calendar days of the date of the decision, the Investigators' decision will become final. If the Investigators cannot reach a unanimous decision as to responsibility (i.e., one investigator would find the respondent responsible for a policy violation by applying the preponderance of the evidence standard and one investigator would reach an opposite conclusion), they will provide a Notice of Decision to that effect in their Investigation Report. The Title IX Coordinator will provide the Appeal Panel (described below) with the Investigation Report and the Investigation Materials, as described above. Each party will have five calendar days from date of the Investigators' Notice of Decision to submit a written position statement to the Title IX Coordinator which will be provided to the other party and the Appeal Panel for its consideration. Applying the same preponderance of the evidence standard as the Investigators, the Appeal Panel will review the Investigation Report, the Investigation Materials, and the parties' position statements and make a final determination of responsibility (and sanction(s) if appropriate). Upon making a determination, the Appeal Panel will issue a final Notice of Decision to the parties and the Title IX Coordinator. Under these circumstances, the Decision of the Appeal Panel is final and the Appeal Process discussed below is not available to either party.

Either party may request that an Appeal Panel review the Investigators' decision in writing, by submitting a written Notice of Appeal to the Title IX Coordinator within five (5) calendar days of the date of the Notice of Decision. In the Notice of Appeal, the appealing party must identify one of the following bases for his/her appeal and explain in detail how such a basis for appeal exists in his/her case:

- a) To consider new information, unavailable during the investigation, that could be outcome determinative; a summary of this new evidence and its potential impact must be included
- b) To assess whether a material deviation from written procedures materially impacted the fairness of the investigation (a deviation materially impacts an investigation if a different outcome is probably if the alleged procedural defect is corrected)
- c) To decide if a sanction(s) is grossly disproportionate to the severity of the offense (either too lenient or too harsh)
- d) To assess whether bias on the part of an Investigator deprived the process of impartiality. Within three (3) calendar days of receipt of the Notice of Appeal, the Title IX Coordinator will review the Notice of Appeal, and if the Title IX Coordinator determines that the Notice of Appeal identifies one or more of the listed bases of appeal, The Title IX Coordinator will notify the parties and the Investigators in writing of the appeal and explain the appeal process as outline below. If the Title IX Coordinator determines that the Notice of Appeal failed to identify a basis for appeal under this Policy, the Title IX Coordinator will notify the appealing party of that determination, and will notify both parties that the Investigators' decision has become a final decision.

If a timely Notice of Appeal, which identifies a recognized basis for appeal, is received by the Title IX Coordinator, he/she will share the Notice of Appeal with the other party and the Investigators, and both the non-appealing party and the Investigators will be given five (5) calendar days to provide the Title IX Coordinator with a written response to the appeal. During the five (5) day response period, any party that has not previously reviewed the Investigation Materials may request to review the Investigation Materials. The Title IX Coordinator will provide access to the Materials during a meeting with the requesting party, but the party will not be allowed to make or retain copies of the Materials. The Title IX

Coordinator will share any responses to the Notice Appeal with the appealing party. The Title IX Coordinator will also inform all parties of the composition of the Appeal Panel.

The Appeal Panel will comprise two individuals appointed by the Title IX Coordinator from a pool of trained staff/faculty. If, within three calendar days of receiving notification of the makeup of the Appeal Panel, either the complainant or the respondent alleges that a member of the Appeal Panel appointed by the Title IX Coordinator has a conflict of interest, after hearing from both parties on the topic, the Title IX Coordinator will decide whether to excuse the Appeal Panel member and announce his/her decision in writing to both parties. If the Title IX Coordinator determines that the Appeal Panel member should be excused, the Title IX Coordinator will appoint a replacement. The Title IX Coordinator will ensure that the Appeal Panel is provided with the following materials:

a) the notice of complaint/investigation document

b) the Investigation Materials

c) the Investigators' Investigation Report/Notice of Decision

d) the Notice of Appeal

e) any response to the Notice of Appeal. These materials comprise the "Record on Appeal" The Title IX Coordinator will be available as a resource for the Appeal Panel; the Appeal Panel is encouraged to confer with the Title IX Coordinator as needed in an effort to ensure compliance with the outlined processes. 6. The Appeal Panel will issue a written Appeal Decision within five (5) calendar days after receiving the response from the non-appealing party, and that decision will be provided to the parties, the Investigators, and the Title IX Coordinator.

In the event the Appeal Panel determines that further action from the Investigators is warranted under a, b, or d, above, the matter will be returned to the Investigators (substitution of a new Investigator may be warranted under subdivision d) to correct the error, reconsider the matter, and issue a new Investigation Report/Notice of Decision, and that decision shall be final. This reconsideration must be completed within five (5) calendar days of the Appeal Panel's decision. If the Appeal Panel finds a basis for altering the Investigators' decision under c, above, the Appeal Panel's Appeal Decision shall be final. In that event, the Appeal Panel's decision must be consistent with a Notice of Decision as defined below. Please Note: The charges of misconduct remain allegations until a final decision is reached and all appeals exhausted under the applicable University procedures.

Any Notice of Decision reference in this section shall mean a written notice of the outcome of the complaint (i.e., whether a Preponderance of the Evidence supports a finding that this Policy was violated), and a rationale for that decision. The Notice of Decision will identify the Individual(s)/Body issuing the decision and whether an appeal is available (and if so, how to request such an appeal). If the Notice of Decision indicates that a Policy violation occurred, the Notice of Decision will identify the specific policy violation(s) and any sanction/remedial efforts. The Notice of Decision to the complainant should specifically include:

a) Any individual remedies for the complainant

b) In non-violence cases, notice of any sanctions imposed on the respondent that directly related to the complainant; Sanctions that directly related to the complainant include, but are not limited to, requiring

that the respondent stay away from the complainant for some period, prohibiting the respondent from attending school or working on campus for some period of time; or transferring the respondent to another residence hall, classes school, or job

c) in violence cases, notice of all sanctions imposed on the respondent and d) steps being taken to eliminate the misconduct and prevent recurrence. Both parties will be provided the Notice of Decision by the Title IX Coordinator concurrently, if possible. If the alleged victim is deceased as a result of the crime or offense, the University will provide access to the Notice of Decision to the next of kin, if so requested.

In most cases the Investigation/Determination Processes will be concluded within sixty (60) days after the complainant makes the official university report. However, if circumstances are such that the process will not be rendered in this time-frame the complainant and the respondent will be so advised and provided a general time-frame for the conclusion of the process.

Any respondent found responsible for a charge of any type of Sexual and/or Relationship Misconduct will receive sanction(s) ranging from warning, restitution, fines, discretionary sanctions, loss of privileges, restricted access, probation, living unit suspension, contract termination, suspension, or expulsion/termination of employment. The nature of the sanction(s) will be determined on a case basis taking into account numerous factors, including:

- a) The severity of the incident
- b) Previous disciplinary infractions
- c) Consistency in punishment for like offenses
- d) Risk of repeat offenses
- e) Danger to community;
- f) Acceptance of responsibility/remorse
- g) Type of harm caused
- h) Number of survivors
- i) What is necessary to protect the survivor/community. In addition to the sanction(s) against the respondent, the decision-makers may provide remedies/accommodations to the complainant such as counseling, alternative living/working arrangements and academic accommodations. The decision-makers may also establish certain remedies for the benefit of the school community. Supervisors, administrators, and faculty who knowingly condone, fail to report, or fail to take action to remedy incidents of discrimination, harassment, and/or retaliation may themselves be subject to sanctions and/or disciplinary action, up to and including termination.

Confidentiality and Prohibition of Retaliation

Confidentiality shall be maintained to the greatest extent possible while conducting investigations. Only those who have an immediate need to know will or may find out the identity of the parties. Any retaliation against a complainant or witness is prohibited specifically by this policy and the person(s) will be disciplined.

Training

Training sessions will be conducted for all employees, agents, supervisors and administrators regarding this policy and regarding prevention of sexual harassment. The intent of this training is to produce an institution that is free of harassment and that provides the opportunity for everyone to reach full potential in the performance of his or her assigned job or educational pursuits.

A copy of this sexual harassment policy will be provided to students through the student handbook accessible online and every employee upon employment to be read and acknowledged in writing at this time. Copies of this policy also will be posted at accessible places throughout campus.

Sex Offender Registration

Pursuant to Chapter 692A.13(3), Code of Iowa, the state maintains a database of registered sex offenders in Iowa, which can be viewed at www.iowasexoffender.com. The Director of Campus Safety also receives notices regarding sex offenders registered, which is screened for potential conflicts or problems with registrants, students and employees. The public can also access the Iowa Sex Offender Registry by contacting any of the county sheriff offices or police departments within the state of Iowa.

Students affiliated with the University who are listed on a federal or state sex offender registry must report such information to the Academic Dean prior to registration as a student or immediately upon being placed on such a registry. Employees must report such information to Human Resources. University officials will then work with local and state law enforcement agencies to ensure proper notification to the University and surrounding community are given, as deemed appropriate under state law. Failure of a registrant to notify the appropriate University official will result in immediate suspension of access to the University.

Students that are on a sex offender registry will not be permitted to live in University housing.

Weapons, Firearms and Explosives

The university strictly prohibits the possession of firearms including paint ball and pellet guns, fireworks, explosives, ammunition, knives, or other weapons capable of inflicting personal injury in your room, on your person, or on university-owned property, including inside a vehicle on university property. There are absolutely no paint ball or pellet guns allowed on campus at any time.

Alcohol and Drug Policy

William Penn University recognizes that alcohol and drug use can create health, safety, social, and legal problems. The university is committed to maintaining a safe and healthy work and educational environment, free from the use of alcohol and drugs. William Penn University, in compliance with the Drug Free School and Community Act of 1989, has established the following policies.

Standards of Conduct for Employees

The university prohibits the unlawful possession, manufacturing, use, sale, or distribution of alcohol (including non-alcoholic beers, since they contain small amounts of alcohol) and illicit drugs or drug paraphernalia by employees on William Penn University property or as part of the university activities or sponsored events.

Employees who violate this policy will be subject to appropriate disciplinary action, which may include, but is not limited to, counseling, mandatory participation in an appropriate rehabilitation program, a warning, probation, suspension, discharge and referral to the proper law enforcement authorities for prosecution.

Individuals should be aware that even if they are not in possession of alcohol, drugs, or drug paraphernalia but are in an area, room, or location where these items are present, they, along with all persons present, are in violation of the University alcohol/drug policy.

Standards of Conduct for Students

The university prohibits the unlawful possession, manufacturing, use, sale, or distribution of alcohol (including non-alcoholic beers, since they contain small amounts of alcohol) and illicit drugs or drug paraphernalia by students on William Penn University property or as part of the university activities or sponsored events.

Students who violate this policy will be subject to appropriate disciplinary action as issued by the university Judicial Board, which may include, but is not limited to, a reprimand or warning, a minimum fine of \$50.00 plus \$1.00 per ounce of the alcohol container, disciplinary probation, suspension, dismissal, and referral to the proper law enforcement authorities for prosecution. Students found using or possessing illegal drugs will be fined \$500. **Any student may appear before the William Penn University Judicial Board for a hearing if found in possession of illicit drugs.**

Individuals should be aware that even if they are not in possession of alcohol, drugs, or drug paraphernalia but are in an area, room, or location where these items are present, they, along with all persons present, are in violation of the University alcohol/drug policy.

Alcohol and Drug Abuse Prevention Education

With cooperation with the Counseling Center, Campus Safety and Residence Life, alcohol and drug abuse awareness and prevention activities are provided throughout the academic year. Information is available to students, employees and campus community, offering various programs dealing with the results of poor judgment involved with alcohol and/or drug abuse – particularly binge drinking and driving under the influence. Student behaviors are monitored during various academic/recreational activities for abusive behaviors.

A drug testing program is coordinated with the Director of Athletics and the various coaches in all types of University sanctioned athletics. Students that are found to have a positive drug test enter into a Drug Rehabilitation Program in conjunction with the Counseling Center.

William Penn University uses a variety of training techniques to keep Resident Assistants (RAs) aware of the responsibilities students have to act as adults in their residence facilities. RAs attend monthly meetings conducted on campus that build leadership skills that are passed on to all our residents. Training in the fall for the academic year is two to three days of intensified training in leadership, identification of substance abuse, safety considerations, legal issues, people skills, and other issues affecting residential living. RAs, Rovers and Hall Directors are strongly encouraged to contact a Campus Safety officer whenever illegal drug activity is suspected that may warrant investigation.

Cabinet will lead a biennial review of this prevention program to determine the effectiveness and implement changes if needed. Information referring to the number of drug and alcohol-related incidents and fatalities that occur on the institution's campus or as part of any of the institution's activities and are reported to campus officials will be reviewed and determine that the number and type of sanctions imposed by the institution as a result of drug and alcohol-related incidents and fatalities on the WPU campus or at WPU activities to ensure that sanctions are consistently enforced.

Alcohol & Drug Risk Management Policy for Student Organization

Members of a William Penn University student organization shall be instructed by their officers and advisors on this Risk Management Policy.

The possession, use, and/or consumption of alcoholic beverages during an official student organization sponsored event, or in any situation sponsored, or endorsed by a student organization is strictly prohibited.

No alcoholic beverages may be purchased through the student organization treasury, nor may the purchase of the same for members or guests be undertaken, or coordinated by any member in the name of, or on the behalf of the organization.

No student organization members, collectively or individually, shall serve for, serve to, or sell alcoholic beverages to any person under the legal drinking age of 21.

The possession, sale, and/or use of illegal drugs or controlled substances at any student gathering are strictly prohibited.

No student organization may cosponsor or co-finance any event with an alcohol distributor or where alcohol is sold or provided to those present (no exceptions will be made, regardless of the identity or position of other involved parties).

No William Penn University student shall participate, permit, tolerate, and/or encourage "drinking games."

Alcohol may not be served at recruitment activities associated with any student organization.

No alcohol may be present at any new member/novice/pledge program or activity of the student organization.

Hate Crimes Policy

Chapter 729A of the Iowa Code provides that "persons within the state of Iowa have the right to be free from any violence, or intimidation by threat of violence, committed against their persons or property because of their race, color, religion, ancestry, national origin, political affiliation, gender, sexual orientation, age or disability."

A person who acts alone, or who conspires with another person(s), to injure, oppress, threaten, intimidate or interfere with any citizen in the free exercise or enjoyment of any right or privilege secured to that person by the constitution or laws of the United States, and assembles with one or more persons for the purpose of teaching or being instructed in any technique or means capable of causing property

damage, bodily injury, or death when the person(s) intend to employ those techniques or means in furtherance of the conspiracy, is on conviction, guilty of a class "D" felony.

A person intimidates or interferes with another person if the act of the person results in any of the following:

1. Physical injury to the other person;
2. Physical damage to or destruction of the other person's property;
3. Communication in a manner, or action in a manner intended to result in any of the following:
 - a. To place the other person in fear of physical contact which will be injurious, insulting, or offensive;
 - b. To place the other person in fear of harm, or harm to the person or property of the third person.

Any individual who believes that his/her individual rights have been violated should contact the Residence Life Office or Campus Safety to report the violation.

Hazing Policy

William Penn University recognizes that student organizations/teams are an important part of university life, and that they can provide worthwhile opportunities for personal and community growth, promote an enduring school spirit and identity, and enhance university social life. This constructive influence upon university life is the result of the morally sound precepts and practices of these groups.

Freedom from humiliation and danger of hazing is guaranteed to every student on this campus. This policy includes individuals as well as whole organizations or teams. Any person(s), organization(s) or team(s) that violates this hazing policy shall be subject to disciplinary action up to and including dismissal from William Penn University.

New member/pledge/membership activities are recognized as being an essential part of student organizations and teams. A responsible new member/pledging/membership program would not include any activities that could be classified as hazing, which is defined as:

Any action or situation created, on or off campus, that recklessly or intentionally endangers the mental or physical health or safety of a student, willfully destroys or removes public or private property for the purpose of initiation or admission or affiliation with, or as a condition of continued membership in, any organization operating under the sanctions of a recognized fraternity, sorority, student organization or team by William Penn University. The term shall include, but not be limited to any brutality of a physical nature, such as whipping, beating, tattooing, paddling, forced calisthenics, exposure to the elements, road trips, forced consumption of food, liquor or drugs, or other substances, or any forced physical activity which could adversely affect the physical health and safety of the individual; and shall include any activity which subjects the individual to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct which could result in ridicule (i.e. publicly wearing apparel or haircuts which are conspicuous and not in good taste; engaging in public stunts or buffoonery; public service to an individual, etc.) or any other forced activity which could adversely affect the mental health or dignity of an individual, or any willful destruction or removal of public or private property.

Alcoholic beverages and drugs must not play any part in new membership/pledging activities.

Use of alcohol or drugs may not be a prerequisite for membership. New membership or pledging activities must in no way interfere with the academic life of the student, or create a disturbance in the university community, and should respect the person's need for sleep.

It is the responsibility of the officers of William Penn University student organizations to make all activities known to the Director of Student Activities. The officers are responsible for ensuring that the activities of their group correspond to the principles, policies, and philosophy of William Penn University. A written program of all new membership or pledge activities must be approved by the Director of Student Activities and placed on file in the Student Activities office at least one week prior to the new membership or pledging program.

This policy shall be read to all members, new members and pledges prior to any new membership or pledging activity.

Orders of Protection/Restraining Orders Policy

William Penn University will work with local law enforcement agencies to enforce all orders of protection and restraining orders or similar lawful orders issued by criminal, civil or tribal courts. This includes escorting people off campus or having local law enforcement remove individuals from University property if needed. Orders of protection may be established for victim/survivors of dating violence, domestic violence, sexual assault, sexual harassment, harassment or stalking.

Vandalism and Theft Policy

Vandalism is defined as any action that results in the defacing or destruction of university properties or facilities, including driving on the lawn or walking on the roof of campus facilities. Students who are aware of the identity of any person(s) involved in vandalism are encouraged to report this information to university security, staff or faculty members. Where hate crimes are involved, the penalty will be enhanced.

Theft includes attempted theft of property or services and possession of property that is not your own without owner authorization. William Penn University does not carry insurance on personal property belonging to students or university employees. Students are encouraged to carry insurance on their own belongings for their own protection. Students are advised to lock their doors at all times.

Tampering with security cameras will result in a \$100 fine in addition to the cost for repairs.

Options for Bystander Intervention

Being an active bystander means intervening when you notice something is wrong or could go wrong on campus or in the community. Try using these tips to help you be an active bystander.

1. Intervene in any way you can when you see a bad situation developing.

If it is safe, diffuse the situation by calling it out or using a distraction strategy. Feel free to enlist the help from nearby friends or community members. If the situation is unsafe, call campus safety at 641-673-1170 or by dialing 911.

2. Trust your gut.

If something looks like a bad situation, it probably is. It is better to stop something than to let a sketchy situation progress.

3. If you don't know, ASK!

Ask someone who looks like they may need help if they are okay. Sometimes it might be difficult to tell if someone needs support. It's better to ask than to assume.

4. Keep an eye on someone who has had too much to drink

If you see someone who is too intoxicated to consent, ask their friends to help them get them home safely. If their friends are nowhere to be found, bring them home or stay with them and reach out to an RA, friend, police, or campus safety at 641-673-1170.

5. Recognize the potential danger if someone is targeting someone else at a party.

If someone is deliberately trying to intoxicate, isolate, corner, or coerce someone else, do one of the following: create a distraction, draw attention to the situation, or separate the people you are concerned about.

6. If someone tells you they have been assaulted, respond.

If someone discloses a sexual assault or a situation that made them uncomfortable, do not blame them for it or minimize the situation. Encourage them to do one or more of the following: report the incident, get medical care if necessary, and/or seek out resources.

7. Be part of the solution.

Active bystanders are the most important resources for keeping our campus as safe one. Students, faculty, staff, and everyone who is a part of the William Penn family is capable of making a difference in our culture and traditions that encourage and reward those who are proactive in making our campus a safe and enjoyable place.

Safety Precautions /Risk Reduction

The following suggestions are examples of things you can do to *lessen* your risk of being a victim of a crime. However, they are not prevention strategies:

Remember—you are never to blame for a crime that was committed against you.

- Never leave valuables (purse, wallet, phone, laptop, backpack, etc.) unattended or in plain view.
- Be mindful of your surroundings—lock your doors and windows, don't leave exterior building doors propped open, don't let strangers into your residence, etc.
- If you are leaving a university building after dark, try to leave with someone you know and trust who can walk with you to your designation. You can call for an escort to your car or around campus by calling Campus Safety at 641-673-1170.
- If you plan to work in a building after normal business hours and you are concerned about being alone, do not hesitate to call Campus Safety at 641-673-1170 to let them know where you will be and what time you anticipate leaving.
- Try to use the ATM machines during daylight hours, but if you must get cash at night, try to have someone with you. Try to inspect the ATM area before you enter to make your transaction.

- Attend our RAD class to increase your ability to defend yourself in case of an altercation.
- Notify friends and family or trusted individuals of any behavior that feels unsafe or unwanted. You can also report it to campus safety or journal these incidences to help you notice patterns of behavior.
- Review tips on what “Gas Lighting” is and get help if you feel you are in this kind of dangerous relationship.
- Review Campus policy on harassment and stalking procedures. Know your rights and resources should you need them.

Effective Consent Definition

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

William Penn University Judicial Board

The basic philosophical approach to discipline at William Penn University is educational in nature and intent. The members of the University Judicial Board are concerned with responsible student conduct. In general, our philosophy regarding students is one that is rooted in student empowerment and involvement, but also based in responsibility and accountability. The judicial system is designed to provide for the individual development and growth of each student, while at the same time providing equal privileges, efficiency of operations, safety and security, care of the facilities, and reinforcing and ensuring the educational purposes of the university.

An effective disciplinary system will challenge students to make appropriate choices. Sanctions, appropriate to the student’s behavior, should motivate the student to change the inappropriate behavior. In most cases intervention will be sufficient to educate students and promote positive behavioral changes. There may be rare instances though in which a student may be removed from the community or university.

Staff members and peers attempt to identify and use the “teachable moment” to help a student learn to recognize, understand, and accept ownership for his/her own behavior. The judicial system does not condemn the student, but may condemn the student’s specific behavior that did not meet the standards set forth by the university.

Judicial Board Disciplinary Process Goals

1. To support a genuine community living environment in which students, faculty, staff, and guests are respected as individuals, and the community standards are upheld.
2. To provide a process that is educational and fair for the students and the community, attempting to guarantee the rights of both parties.
3. To provide a system that encourages the objective treatment of each individual.
4. To minimize the incidents in which a student violates university policy.

5. To provide board members the opportunity for leadership development and service to their university community.

Judicial Board Structure

The Judicial Board is comprised of two faculty members appointed by the Faculty Council, two staff members appointed by the Staff Council, and two full-time students appointed from the Student Government Association. Each group should also appoint two alternates in its respective category. The Dean of Students will act as Convener and facilitator of the Judicial Board and have the right to appoint members in the event that the stated groups are unable to appoint members in a timely fashion, or for emergency hearings. All members of the Judicial Board will receive annual training on the issues related to dating violence, domestic violence, sexual assault and stalking. They will also understand the protocol to hold a hearing process that protects the safety of the victims and promotes accountability.

Judicial Board Student selection and responsibilities

1. Appointed by Student Government Association.
2. Current full-time student at William Penn University.
3. Commitment for the full academic year.
4. Meet as a member of the board when needed.
5. Maintain status as a student in good academic and social standing within the university, i.e., not on academic or disciplinary probation.
6. Serve as positive role model for other students at all times.

Judicial Board Faculty and Staff Selection

1. Full-time faculty will be appointed by the Faculty Council.
2. Full-time staff will be appointed by the Staff Council.

Judicial Board Convener

The Dean of Students will act as convener and facilitator of the Board. The convener may arrange for a pre-hearing interview with the student(s) involved, review and collect incident reports and other applicable documents such as attendance, grades, and advisor, faculty, staff, and coach impressions of the students demeanor, character and performance prior to the hearing.

The convener will also facilitate the hearing, and ensure that accurate and detailed documents are kept for each incident reviewed. The convener will vote only in cases where a vote is needed to break a tie.

Violation Categories

To assist the Judicial Board in understanding the nature and severity of the policy violation, the following general framework has been developed. Please note that what follows is a general outline of categories of offenses and the level at which sanctions may be imposed. The Judicial Convener has the right to ask that a particular incident be heard before the Judicial Board if circumstances warrant such action.

Incidents that may be handled by Hall Director:

- Noise/quiet hour violations
- Visitation violations
- First-time alcohol violations (minimum sanction: \$50 fine/person plus \$1 per ounce of container)

Incidents handled through Judicial Board process may include but are not limited to:

- Fraud
- Plagiarism
- Repeated Alcohol Violations
- Drug Use and Possession
- Disorderly Conduct
- Personal Assault (verbal or physical)
- Sexual Harassment/Harassment/Stalking
- Domestic Violence/Dating Violence
- Sexual Assault/Sexual Violence
- Vandalism and Theft
- Unauthorized Entry or Use
- Possession of Firearms
- Arson and Fire Alarms
- Fireworks
- Gambling
- Unauthorized Assembly
- Disregard for University Authority
- Hazing
- Multiple Policy Violations

The listed offenses are not intended to be all-inclusive, but merely illustrative of the behavior and conduct that the university seeks to prohibit. William Penn University reserves the right to determine the nature of any action that may constitute personal and organizational misconduct.

Judicial Board Process and Specific Hearing Procedures

To protect the student's right to privacy, hearings will not be open to the public. However, hearings will be audio taped to assist in maintaining the accuracy of information.

Incident Report and Investigation

Under this review process, the primary responsibility of student conduct rests with the student. The disciplinary process begins when an individual violates university or residence hall policy. When university personnel or residence hall staff files an incident report, an investigation will begin of the incident. Students may also file a complaint against another student in relation to an alleged violation of university or residence hall policy. If the investigation establishes just cause for disciplinary action, the Judicial Convener will review the case and appropriate action(s) taken.

Pre-hearing Interview

After completion of the investigation, the Judicial Convener may:

- a) Find no basis for the complaint and dismiss the allegation as unfounded.
- b) Summon the student or organization representative for a conference or pre-hearing interview.
- c) Notify the student or organization representative of a Judicial Board hearing without holding the pre-hearing interview.

During the pre-hearing interview, the Judicial Convener will inform the student or organization of the following options for resolution of the disciplinary charges:

- a) Admit the charge(s) and elect for the Dean of Students to determine an appropriate sanction. Note: the Dean of Students may elect not to hear the case but instead refer it to the full Judicial Board.
- b) Admit the charge(s) and elect for the Judicial Board to determine an appropriate sanction.
- c) Deny the charge(s) and have a hearing before the Judicial Board.

Notice

Any student or organization charged with a violation of university policies will be notified in writing of the alleged violation and of an opportunity for a hearing to be scheduled not sooner than 24 hours from effective date of the delivery notice.

The written notice will inform the student or organization of the following:

- a) the specific policy that the student or organization is charged with having violated;
- b) the date, time, and place of the hearing;
- c) the right of the student or organization to present witnesses and documentary evidence at the hearing and to question witnesses presented on behalf of the university;

- d) that the student or organization, speaking through its officers, is responsible for presenting the case if the student or organization so chooses, and that any advisor or counselor accompanying the student or organization will not be permitted to speak or participate directly in the hearing;
- e) that pertinent records, exhibits, and written statements may be accepted by the hearing body as evidence;
- f) that the hearing will be closed to the public;
- g) that the hearings involving several students or organizations may be consolidated if, in the opinion of the Convener, the issues arise from a common nucleus of facts and circumstances;
- h) that the student or organization may receive upon request from the Convener the expected set of witnesses that may be called by the university;
- i) that the student or organization must provide the Convener with the names of those witnesses that are expected to be called during the hearing.

Hearings

Student disciplinary hearings are designed to be non-adversarial and proceedings conducted in an atmosphere of informality and fairness. Formal rules of evidence and procedure are not applied.

The Convener of the Judicial Board will preside over the hearing by introducing the members of the Board and involved parties, distributing copies of relevant materials, and explaining essential rules of procedure that will be followed. Copies of the incident report(s) and any other relevant material will be made available to members of the Judicial Board and involved parties. Supplemental information including, but not limited to, attendance records, grades, previous disciplinary issues, character references from coaches/sponsors/professors, etc. may be included in Judicial Board proceedings.

The person(s) presenting the charges against the student or organization will present the university's witnesses and evidence first. The student or organization being charged has the right to question those witnesses and evidence and to present witnesses and evidence on its own behalf.

In a case where the student or organization has admitted the wrongful conduct, the Judicial Board may proceed directly into deliberation concerning appropriate sanctions.

If a student or organization, having been provided written notice, fails to appear at the hearing without prior acceptable notice, the Judicial Board may elect to proceed with the hearing in the student or organization's absence. In such cases, the evidence in support of the charges may be presented, considered by the Board, and the Board may reach its decision.

At the conclusion of all the evidence, the Board will deliberate in private and will determine by majority vote whether there is substantial evidence that the student or organization being charged violated university policy and, if so, determine an appropriate sanction.

Disciplinary Sanctions

Disciplinary sanctions are intended to serve as educational reprimands rather than to unduly punish a student. The Judicial Board will give due consideration to precedent and seek to ensure equitable

treatment of similar offenses. Decisions of the Judicial Board will be communicated in writing. Sanctions imposed by the Judicial Board shall be in full force and effect from the time of imposition unless the student appeals the case. If the sanction is dismissal from the residence halls, and the university feels as if the student poses a threat to the campus community, the university reserves the right to ask that the student remain off campus until any appeal is resolved.

A wide range of possible sanctions exists in order to preserve flexibility so that each student is offered the most appropriate and just treatment by the Judicial Board. The range of disciplinary sanctions that may be imposed upon a student or organization found to have violated university policies may include, but is not limited to, the following:

1. Warning – a written notice to the student or organization of the inappropriate nature of the conduct.
2. Probation – A written reprimand to a student or organization for violation of specified policies. Probation is for a definite period of time and includes the possibility of more severe sanctions if the student or organization is found to violate any university policy during the probationary period.
3. Loss of Privileges – Denial of specified privileges for a designated period of time.
4. Fine or Restitution – Compensation for loss, damage, or injury.
5. Community Service – Work assignments within the university or surrounding community. If the community service is not completed by the agreed upon date, it is considered a violation of probation and a harsher penalty may be imposed.
6. Suspension – Separation of the student or organization from the university for a definite period of time, after which the student or organization is able to return. Conditions for readmission may be specified. A student may be suspended from the right to live in the residence halls, suspended from attending university events, suspended academically, or any combination of the three.
7. Dismissal – Permanent separation of the student or organization from the university community. A student may be dismissed from the residence halls, dismissed academically, or both.

In addition to any sanctions imposed, a student may also be required to participate in counseling sessions. Failure to abide by counseling requirements will be considered a violation of probation.

Appeals

A student or organization wishing to appeal the decision of the Judicial Board may do so by filing a Request for Appellate Consideration with the convener of the Judicial Board within 24 hours of the Judicial Board decision. Within the body of this appeal, the student or organization must specify the decision being appealed and detail reasons supporting the appeal.

The President's Cabinet (not including the president) will review the Request for Appellate Consideration form and the record of the initial hearing to determine:

- a) Whether prescribed university disciplinary procedures were followed that afforded the student or organization notice of the charges and an opportunity to prepare and present a defense to the allegations of misconduct;
- b) Whether the decision reached by the Judicial Board was based on substantial evidence that established that a violation occurred;
- c) Whether the sanction(s) imposed by the Judicial Board were appropriate for the violation that the student or organization was found to have committed;
- d) Whether new evidence exists sufficient to alter the original decision and why such evidence was not available at the original hearing.

After reviewing the Request for Appellate Consideration and the hearing record, the cabinet may request additional information from the appealing party or the university, remand the case back to the Judicial Board for reconsideration, uphold the decision of the Judicial Board, modify by increasing or decreasing the imposed sanctions, or reverse the decision of the Judicial Board and dismiss the case.

All decisions of the cabinet are final except those in which the student or organization is suspended or dismissed academically from the university. In that situation, an appeal may be submitted within 24 hours of the cabinet's decision to the president of the university who may review the case and uphold or change the decision. The appeal to the president and the resulting decision will be the final outcome of the case with no further option of appeal.

***The university reserves the right to immediately dismiss students for egregious violations of the above violation categories, thus bypassing the judicial process. This process can only be used by the Dean of Students and in concurrence with the President's Cabinet. The Judicial Board will be informed of the reasons surrounding the immediate suspension.**

Confidentiality and Record Retention

Judicial procedures and disciplinary hearings are closed. The names of students appearing in disciplinary hearings are not made public except as required by the Campus Security Act. Records of student disciplinary hearings will be retained in the Residence Life office for a period of four years or until the student graduates from the university.

Dismissal from the university shall be noted on the student's transcript. Imposition of sanctions other than dismissal shall be noted on the student's confidential disciplinary record and shall not be disclosed to others except upon request to support application for transfer to another educational institution or for employment.

The Cabinet shall determine if the student's record of disciplinary action should be included as part of his or her official university record. Two considerations must be addressed when making this decision:

- a) Protection of student rights and interests.
- b) Adherence to ethical standards in working with institutions, agencies, or individuals receiving a student's university record.

Off-Campus Conduct

This Code of Conduct applies to student and organization behavior that occurs on university premises; while attending university sponsored/related activities; or which takes place off campus when that conduct adversely affects the interests of the university community. The university reserves the right to review and adjudicate any occurrences of off-campus student behavior in violation of the university Code of Conduct that may directly impact or have a significant effect upon the university.

Simultaneous Actions by Federal, State and/or Local Authorities or Courts

A student or organization may be accountable to civil or criminal authorities, as well as to the university, for acts that constitute violations of law and of this Code of Conduct. Disciplinary action at the university will normally proceed during the civil or criminal proceedings and will not be subject to challenge on the grounds that such civil or criminal charges involving the same incident have been dismissed or reduced.

The student or organization will not be forced to present self-incriminating information; however, the university is not required to postpone disciplinary proceedings pending the outcome of any civil or criminal prosecution.

Status of Student

A student's status at the university shall not be altered pending Judicial Board action. The student shall remain free to attend class and engage in all other university functions and activities. The Dean of Students may withdraw this privilege, however:

- a) to ensure the safety and well-being of members of the university community or to preserve university property;
- b) to ensure the physical or emotional safety and well-being of the student;
- c) to ensure effective operation of the university, if the student poses a threat of disruption or interference.

Educational Programming

Awareness Campaigns

Each year, a committee comprised of the Campus Counselor, Dean of Students, and the Director of Campus Safety work together to provide consistent programming to students regarding issues including, but not limited to, drug and alcohol abuse prevention, sexual assault prevention and awareness, domestic assault prevent and awareness, bystander awareness training (MVP training) and other programming.

Bystander Intervention Training

William Penn University has provided Bystander Intervention by way of Mentors in Violence Prevention (MVP) developed by Jackson Katz in conjunction with Alan Heisterkamp from the University of Northern Iowa. This is a comprehensive and dynamic training provided to all William Penn students. William Penn has hosted a "Train the Trainer" program geared toward training multiple faculty, staff, students and

others who were not affiliated with William Penn but interested in the training. This “Train the Trainer” is provided in conjunction with Crisis Intervention Services.

Alcohol and Drug Abuse Prevention Education

With cooperation with the Counseling Center, Campus Safety and Residence Life, alcohol and drug abuse awareness and prevention activities are provided throughout the academic year. Information is available to students, employees and campus community, offering various programs dealing with the results of poor judgment involved with alcohol and/or drug abuse – particularly binge drinking and driving under the influence. Student behaviors are monitored during various academic/recreational activities for abusive behaviors.

A drug testing program is coordinated with the Director of Athletics and the various coaches in all types of University sanctioned athletics. Students that are found to have a positive drug test enter into a Drug Rehabilitation Program in conjunction with the Counseling Center.

William Penn University uses a variety of training techniques to keep Resident Assistants (RAs) aware of the responsibilities students have to act as adults in their residence facilities. RAs attend monthly meetings conducted on campus that build leadership skills that are passed on to all our residents. Training in the fall for the academic year is two to three days of intensified training in leadership, identification of substance abuse, safety considerations, legal issues, people skills, and other issues affecting residential living. RAs, Rovers and Hall Directors are strongly encouraged to contact a Campus Safety officer whenever illegal drug activity is suspected that may warrant investigation.

Cabinet will lead a biennial review of this prevention program to determine the effectiveness and implement changes if needed. Information referring to the number of drug and alcohol-related incidents and fatalities that occur on the institution’s campus or as part of any of the institution’s activities and are reported to campus officials will be reviewed and determine that the number and type of sanctions imposed by the institution as a result of drug and alcohol-related incidents and fatalities on the WPU campus or at WPU activities to ensure that sanctions are consistently enforced.

Sexual Assault Prevention

William Penn conducts programming around Sexual Assault Prevention during the academic year. We are joined by our local partners: Crisis Intervention Services, Mahaska Health Partnership and other local service agencies as needed. With these partnerships, we seek to identify those issues of paramount importance to our student body, faculty, and staff in the issues surrounding a sexual abuse event and educating them in the need to identify sexual issues such as acquaintance rape and other forcible and non-forcible sex offenses. Through cooperative agencies, we offer individual and group counseling, mental health assistance to victims and abusers, investigative reporting of sexual misconduct to local authorities, and enforce the legal requirements as required of prime reporters under state and federal laws. Other educational workshops and awareness programs are offered to the campus community throughout the academic year.

Counseling Center

The Counseling Center offers a variety of services to help students achieve their educational and personal goals. It provides confidential individual and group counseling, crisis intervention, conflict

resolution and referrals. Students can work with a Mental Health Coordinator in a safe, supportive environment and explore concerns to gain a better understanding of themselves and work towards resolution of any difficulties.

Calendar of Events for 2023

Abbreviations: Domestic Violence (DV); Sexual Assault (SA); Drug & Alcohol (DA)

Month	Subject	Title	Organizer
January	DV/SA	MVP Training	Campus Counselor
	DV/SA/DA	RA Training	Res Life / Campus Counselor
February	DA	Drunk Driving Simulation	Campus Safety
		Habits of Healthy Students	Campus Counselor
March	DA	Drug Task Force Presentation	Campus Safety / Res Life
April	DV/SA	Sexual Assault Awareness	Campus Counselor
		Hosted by Crisis Intervention Services	
July	Campaigns	Planning	Committee
August	DV/SA/DA	RA Training	Res Life / Campus Counselor
September	DV/SA	MVP Training	Campus Counselor
	DV/SA	DV/SA Bracelets	Campus Counselor
	DV/SA	Sexual Assault Awareness	Campus Counselor
	Hosted by Crisis Intervention Services		
October	DV/SA	MVP Training	Campus Counselor
November	DA	Alcohol & Drug Prevention Workshop	Campus Safety / Residence Life

Warnings and Emergency Procedures

Timely Warnings

Members of the campus community will be alerted in a timely manner by special notice from Campus Safety whenever a situation arises either on or off campus that may pose a threat to members of the William Penn community. This warning will be transmitted by the Rave Wireless text messaging system and through the university's e-mail system and/or any other available means that are appropriate to the situation. Anyone with information warranting a timely warning should report the circumstances to Campus Safety at 641-673-1170 / 641-670-3431.

Emergency Response and Evacuation Procedures

All university emergencies should be immediately reported to Campus Safety staff at 641-673-1170. The institution will 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 or staff on campus.

Outline of Procedures in an Emergency

This outline provides general information only. In the event of an actual emergency, variations may occur depending on the nature of the emergency to determine the appropriate response(s).

Step 1: Campus Safety is notified of an emergency involving a William Penn University student or employee. The Campus Safety officer will gather preliminary information on the incident. The Director of Campus Safety will be notified immediately. An Emergency Alert will be issued if warranted.

Step 2: Campus Safety staff will determine the level of emergency and, if needed, will contact the appropriate Emergency Response Team members and any outside agencies. If the emergency response team is responding to the emergency, the team director selects the Emergency Operating Center (EOC), and this information is relayed to the members of the Emergency Response Team.

Step 3: At the Emergency Operating Center, the team director will assign roles and responsibilities to emergency response team members. Contact with media, outside agencies, family members, and other university faculty or staff members will be determined and coordinated from there. Information regarding the student(s) and/or staff members involved in the emergency will be gathered and shared by the designated staff members with specific persons and/or agencies.

Step 4: Family and media meet with appropriate university administrators as needed. Statements are released through the Director of Public Relations.

Step 5: The Emergency Response Team plans appropriate follow-up procedures and activities as necessary.

Step 6: The Emergency Response Team meets to debrief and evaluate the response to the emergency. Changes or revisions to the emergency procedures are made as necessary.

Building Evacuation

If evacuation becomes necessary, use stairs, not elevators. Individuals should pay close attention to surroundings while exiting. Incidents such as fire or hazardous material may require that alternate exit paths be selected. Stay clear of the building and entryways after exiting the building in order to facilitate first responder access to the emergency. Report immediately to the appropriate designated assembly area.

Do not re-enter the affected area until instructed to do so by security officers or emergency responders. DO NOT take it upon yourself to turn off an alarm or to instruct others to re-enter the building. This can only be done by emergency personnel.

In the event of a building evacuation that will require the relocation of students and employees, especially during periods of inclement weather, the University busses maybe utilized. Campus Safety office will maintain a current list of bus drivers that maybe called in to assist.

Primary Evacuation Assembly Points

<u>Building</u>	<u>Assembly Area</u>	<u>Visual Sweep*</u>
Atkins Memorial Union	North of cemetery on trail	Student Services Staff
Market Street Hall	Lawn east of Market Street Hall	RAs/HD
Gymnasium	3 rd base, baseball field, outside fence	Directory of Activity Centers
Indian Hills Center	Lawn east of Eltse Hall	Campus Safety
Lewis Hall	Lawn south of Chapel/Trueblood Ave	RAs/HD
Eltse Hall	Lawn east of Market Street Hall	RAs/HD
McGrew Fine Arts Center	Lawn east of Eltse Hall	Campus Safety
Peasley House	Lawn south of McGrew	Student Services Staff
Penn Hall	Lawn south of Chapel/Trueblood Ave	Campus Safety
Randleman Fitness Center	3 rd base baseball field, outside fence	Director of Activity Centers
Spencer Chapel	Lawn south of Chapel/Trueblood Ave	Campus Safety
Twin Towers	North of Union on trail	RAs/HD
Watson Hall	1 st base area of softball field	RAs/HD
Wilcox Library	Lawn south of Chapel/Trueblood Ave	Librarian
Penn Activity Center	1 st base area of softball field	Director of Activity Centers
Musco Technology Center	1 st base area of softball field	Building Faculty/Campus Safety
Rosenberger Apartments	Football practice field	Hall Director
Vennard Union	Lawn east of Vennard dorm	Band Director

**The staff person(s) responsible for a visual sweep of the area enroute to and upon arrival at the evacuation assembly point.*

Evacuation procedures are tested twice annually. Each test is preceded by an announcement at least 48 hours in advance of the drill that reviews evacuation procedures and assembly points. Additionally, a tornado drill takes place in the early spring of each year.

Crime Statistics

William Penn University provides crime statistics to comply with statutory mandates imposed by the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act), codified at 20 U.S.C. 1092 (f) as part of the Higher Education Act of 1965 (HEA), Crime Awareness and Campus Security Act of 1990 and Title IX, Violence Against Women Act (VAWA).

The reader is encouraged to become as well informed as possible when attempting to categorize and quantify the nature and extent of crime at William Penn University in comparison to other colleges and universities. Campus security statistics for over 6,000 colleges and universities in the United States are available on the OPE Campus Security Statistics Web site at <http://ope.ed.gov/security>.

Note that incidents that occur in “On campus residential facilities will be entered in both “On Campus” and “On Campus – Student Housing Facilities”.

Clery Act – Geography

The location of crime is determined by its geographical location on or adjacent to the institution. Campus maps outlining specific areas as “On Campus”, “On Campus – Student Housing Facilities”, “Public Property”, and “Non campus”. Maps for each property location have a boundary line to delineate where the crime occurs. Athletic/Organization event trips that stay in the same location for more than 48 hours will be subject to reporting requirements. The Campus Security Authority (CSA) shall report such temporary housing arrangement to the Director of Campus Safety upon completion of the trip. When determining “Crime statistics” on other than campus property a request to the police or sheriff’s department for that jurisdiction related to adjacent public property or temporary housing property shall be made.

CRIME REPORT STATISTICS:

Criminal Offenses

Offense	Year	On Campus	On-campus Student Housing Facilities	Noncampus	Public Property
Murder/Non-Negligent Manslaughter	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0

Manslaughter by Negligence	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Rape	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Fondling	2021	2	2	0	0
	2022	2	2	0	0
	2023	1	1	0	0
Incest	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Statutory rape	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Robbery	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Aggravated Assault	2021	0	0	0	0
	2022	1	0	0	0
	2023	0	0	0	0
Burglary	2021	5	5	0	0
	2022	1	1	0	0
	2023	2	2	0	0
Motor Vehicle Theft	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0

Arson	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0

Hate Crimes:

There were no reported Hate Crimes for the years 2021, 2022, and 2023.

VAWA Offenses:

Crime	Year	On Campus	On-campus Student Housing Facilities	Noncampus	Public Property
Domestic Violence	2021	2	2	0	0
	2022	4	4	0	0
	2023	0	0	0	0
Dating Violence	2021	0	0	0	0
	2022	1	1	0	0
	2023	0	0	0	0
Stalking	2021	1	1	0	0
	2022	4	4	0	0
	2023	1	0	1	0

Arrests:

The statistics shown below are for those incidents in violation of the law resulting in arrests.

Crime	Year	On campus	On-campus Student Housing Facilities	Noncampus	Public Property
Weapons: carrying, possessing, etc.	2021	1	1	0	0
	2022	1	1	0	0
	2023	0	0	0	0
Drug abuse violations	2021	0	0	0	0
	2022	3	3	0	0
	2023	1	1	0	0
Liquor law violations	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0

Disciplinary Actions:

The statistics shown below are for those incidents that are reported and referred for disciplinary action where no arrest was made. Most all incidents referred for disciplinary action below involve violations of William Penn University institutional policies in conjunction with a violation of Iowa law. For example, a student of legal drinking age in Iowa may violate the university's no-alcohol policy by bringing alcohol on campus. This offense will be dealt with through the campus disciplinary process, but because no law was broken it would not be disclosed in the statistics required by the CACSA / VAWA / CLERY ACTs.

Administrative review by the Dean of Students will result in an informal meeting with the offender and witnesses, determination of culpability, a proposed resolution of the incident or referral to Judicial Board. Most incidents are concluded with a fine or punitive service hours.

Crime	Year	On campus	On-campus Student Housing Facilities	Noncampus	Public Property
Weapons: carrying, possessing, etc.	2021	0	0	0	0
	2022	0	0	0	0
	2023	0	0	0	0
Drug abuse violations	2021	28	28	0	0
	2022	28	28	0	0
	2023	24	24	0	0
Liquor law violations	2021	37	37	0	0
	2022	30	30	0	0
	2023	24	24	0	0

A distinction is made between violation of state/federal law and the violation of institutional policy. William Penn University prohibits possession, use, and/or consumption of alcoholic beverages on campus and at official university activities held off-campus. Those who violate this policy will be subject to appropriate disciplinary action as issued by the university judicial board, which may include, but is not limited to, a reprimand or warning, fines, disciplinary probation, suspension, or dismissal, counseling, mandatory participation in an appropriate rehabilitation program, and referral to the proper law enforcement authorities for prosecution.

Unfounded Crimes:

There were zero unfounded crimes in 2021, 2022, and 2023.

Clery Crime Definitions

Criminal Homicide

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

Sex offenses

- *Sex-offenses-forcible* is defined as any sexual act directed against another person, forcibly and/or against the person's will; or not forcibly or against the person's will where the victim is incapable of giving consent
- *Sex-offenses-non-forcible* is defined as unlawful, non-forcible sexual intercourse (incest or statutory rape)

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

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

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

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

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

Larceny-theft is the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

Simple Assault is the unlawful physical attack by one person upon another where neither the offender displays a weapon, the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness

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

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

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

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

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

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

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

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

Annual Fire Safety Report

The university has the responsibility to collect and report fire statistics and to maintain a fire log. The Office of Campus Safety is responsible for maintaining a fire safety log and documentation is maintained in their office, located on the main level of the Student Union and is available to the public to review upon request. A hard copy of this report may be obtained from the Office of Campus Safety in the Dana M. Atkins Memorial Union.

These statistics include intentional and unintentional fires caused by cooking, smoking materials, open flames, electrical, heating equipment, hazardous products, machinery, natural or other causes.

Housing Facility	No. of fires	No. of injuries	No. of deaths	Value of Property Damage
Peasley House	0	0	0	0
Market Hall	0	0	0	0
Eltse Hall	0	0	0	0
Lewis Hall	0	0	0	0
Rosenberger Apts	0	0	0	0
Twin Towers	0	0	0	0
Watson Hall	0	0	0	0

Description of Fire Safety System for On-campus Housing Facilities

Market Street Hall – Modern Sprinkler system in operation; smoke detectors in each room and common space; and fire alarm pull stations throughout the building. A central fire alarm system is connected to the local 911 center and campus safety. Fire extinguishers throughout the hallways.

Eltse Hall – Fire extinguishers in each unit; smoke detectors in each room and common space; and fire alarm pull station on each stair landing. Smoke detectors and alarms are all connected to the local 911 center and campus safety.

Lewis Hall – Fire extinguishers on each wing; smoke detectors in each room, hallway and common space; and fire alarm pull stations located throughout the building. Smoke detectors and alarms are connected to the local 911 center and campus safety.

Twin Towers – Fire extinguishers on each floor of all suites; smoke detectors in each room, hallway and common space; fire alarm pull station on each floor; and sprinkler system covering the whole building. Smoke detectors and alarms are all connected to the local 911 center and campus safety.

Watson Hall – Fire extinguishers on each wing; smoke detectors in each room, hallway and common space; and fire alarm pull station on each floor. Smoke detectors and alarms are all connected to the local 911 center and campus safety.

Rosenberger Apartments – Smoke detectors in each room that are connected to the local 911 center and campus safety and fire extinguishers in each apartment.

Peasley House - Smoke detectors in each room that are connected to the local 911 center and campus safety and fire extinguishers in each apartment. Fire extinguishers on each floor.

Policies Affecting Fire Safety

If a fire is discovered, residents should activate the nearest fire alarm, if accessible, then exit the building and immediately notify the 911 center & Campus Safety at 641-673-1170 (1170 from a campus phone). After exiting the building occupants should proceed to the designated assembly points listed in the Emergency Evacuation chart.

Fire drills are held twice annually for each residential housing facility and once per semester for all other buildings. Procedures for evacuation are described in the Annual Security Report (above) and in the student handbook. Participation in evacuation drills is mandatory, and failure to cooperate will result in disciplinary action.

Residential housing facilities staff consisting of Hall Directors and Resident Assistants are trained in the use of available fire extinguishers, the operational function of them (P.A.S.S. –Pull–Aim–Sweep–Squeeze). How to identify certain types of fires and how to recognize danger signs associated with certain types of fires and conditions present. Rescue techniques are explained and demonstrated.

Open flames, including such items as candles, incense burners, laboratory burners, torches, etc., cannot be used in any area of a residence hall. Extension cords may not be used in any residence hall room. UL approved power/electrical strips are allowed.

UL approved electrical appliances that are authorized for use in residence hall rooms include bread maker, coffee maker, computer equipment, electric blanket, fan, hair dryer, hot pot, iron, microwave (1,000 watts or less), popcorn popper, refrigerator (not exceeding 4.3 cubic feet), sewing machine, shaver, stereo equipment, study lamp, television and DVD player.

Prohibited items include sunlamps, hot plates, grills (whether electric, gas or charcoal) and other heating or cooking devices.

In accordance with the Iowa Smoke free Air Act, smoking is strictly prohibited throughout campus, including all buildings and grounds.

To include a fire in the statistics in the annual fire safety report, students or employees should notify Office of Campus Safety to report that a fire occurred.