

2024 Annual Security and Fire Report for Calendar Year 2023

Briar Cliff University
Security Office

10/1/2024

Table of Contents

Security Report Introduction.....	2
Campus Security Office.....	2
Campus Law Enforcement.....	3
Reporting Criminal Activity and Emergencies.....	3
General Procedures for Reporting a Crime or Emergency.....	4
Crime Reporting.....	4
Confidential Reporting Procedures.....	5
Crime Prevention Programs.....	5
Security Awareness Programs.....	5
Safety Tips.....	6
Missing Resident Student Policy.....	7
Residence Hall and Campus Facilities.....	9
Facility Access Policy.....	9
Monitoring Off-Campus Activity.....	9
Weapons and Firearms.....	10
Statement on Alcohol and Drugs.....	10
Alcohol and Substance Abuse Information.....	10
Policy on Sexual Violence and Sexual Harassment.....	12
Policy on the Reporting of Suspected Child Abuse.....	30
Sex Offender Registry.....	31
Hate Crimes Policy.....	31
Security Alerts.....	35
Timely Warnings.....	36
Emergency Notifications.....	36
Emergency Procedures.....	36
Crime Statistics.....	38
Annual Fire Report.....	43
Fire Report Introduction.....	44
Items Not Permitted.....	44
Evacuation Procedures.....	44
Reporting Fires.....	44

Fire Safety and Education.....45
Residence Hall Information.....45
Fire Log.....46

SECURITY REPORT INTRODUCTION

Briar Cliff University and the Sioux City community are safe environments. Even so, we fully recognize the potential for crime and accidents. We are constantly taking initiative-taking approaches to minimize the risk and enhance the security and safety of the entire campus community – students, faculty, staff, alumni and visitors.

However, the university staff cannot do this without help from everyone, including the students. People must take responsibility for their own safety and belongings and also the safety of their neighbors. Anyone who observes suspicious activity should report it immediately to Campus Security. People should be aware of the potential for loss or theft if personal items are left out in the open and not guarded.

At no time does Briar Cliff University assume any responsibility for theft, damage or loss of money, valuables, or personal property. We strongly encourage students to check with their family’s concerning coverage under their homeowner/renter policy and to purchase insurance if necessary.

Briar Cliff University is a private institution. Campus facilities are for the use of Briar Cliff students, staff and faculty and their guests. Campus Security works closely with the university’s physical plant, residence life and administrative staffs to establish appropriate levels of security. Safety and security issues within the buildings should be reported to campus security as quickly as possible.

CAMPUS SECURITY OFFICE

Campus Security is the administrative office at Briar Cliff University that is responsible for safety and security. It includes a director, 3 full time officers and up to 4 part-time officers. The Director reports to The Vice-President of Administration. Campus Security employees are not sworn or commissioned officers. They do not carry weapons. They do not have arresting authority. The Sioux City Police Department, Woodbury County Sheriff’s Office and the Iowa State Patrol handle all arrests. All on-duty personnel wear a distinctive security uniform. They provide basic security services to the campus community and are on duty 24 hours a day 365 days a year. Members of the Campus Security staff attend training programs specifically designed for security personnel.

Campus security has a close working relationship with the Sioux City Police Department. All major crimes (felonies) are reported to the Sioux City Police Department, which assumes

responsibility for any investigation that may be necessary as soon as possible. In the case of emergencies, the Sioux City Police Department is notified immediately.

The Campus Security Office is located in the Alverno Hall, room # G-7. The phone number for Campus Security is 712-898-1888. Security staff members are available either in the office or by calling the Security number.

General services provided by Campus Security are walking and vehicle patrols, response to criminal and non-criminal activity, escorts, and jump-starts. Security officers make routine patrols of campus buildings and check exterior doors and windows of buildings.

Campus Security maintains a daily and monthly log of reported crimes written in a form that is easily understood. The log is available to the public for inspection in the Campus Security Office located in Alverno Hall, room # G-7. The daily and monthly logs provide the nature, date, time, and general location of each crime. Additionally, the disposition of the complaint is given, if known. Information, including updates, is added as the information becomes available. If there is evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence, such information may be withdrawn until the damage is no longer likely to occur from the release of such information. As a matter of policy, names are not included in the monthly log.

POLICIES AND PROCEDURES

CAMPUS LAW ENFORCEMENT

Briar Cliff University Campus Security officers have the authority to ask individuals for identification and to determine whether individuals have lawful business at the university. Briar Cliff University security officers have the authority to issue tickets, which are billed to financial accounts of students, faculty, and staff. Security officers do not possess arrest power. Criminal incidents are referred to the Sioux City Police Department who has jurisdiction on the campus. The Campus Security Department maintains a highly professional working relationship with the Sioux City Police Department and other law enforcement agencies in the area. All crime victims and witnesses are strongly encouraged to immediately report crimes to Campus Security and the Sioux City Police Department. Prompt reporting will ensure timely warning notices on-campus and timely disclosure of crime statistics.

REPORTING CRIMINAL ACTIVITY AND EMERGENCIES

Any emergency situation or knowledge of a crime should be reported immediately to Campus Security by calling 712-898-1888 or by going to the Security Office located in the Alverno Hall, office # G-7. You may also dial 911 to reach the Sioux City Police Department or Sioux City Fire Department. When calling either number, you should stay on the line until the appropriate authorities tell you to hang up. You should be able to provide the exact location, the status of the situation and who is involved in the incident.

Students and employees may also report criminal offenses to Campus Life director, area coordinators, RAs, coaches, and faculty. All names are kept confidential and not included in daily logs to protect those who are reporting the crime from retaliation. Only certain personnel will have access to the names of the informants to provide them with protection.

GENERAL PROCEDURES FOR REPORTING A CRIME OR EMERGENCY

Community members, students, faculty, staff, and guests are encouraged to report crimes and public safety related incidents to the Campus Security Department in a timely manner.

To report a crime or an emergency, call Campus Security at 712-898-1888 or the Sioux City Police Department by dialing 911.

Campus Security is available 24 hours a day to answer your call. Once your call is received, Campus Security will take the appropriate action needed at the time of the incident. All Campus Security reports are forward to the appropriate people for further action. This may include Residence Life, Campus Judicial Officer, Business Office, and in some cases, the Sioux City Police Department. Additional information collected during the investigation is always forwarded to the Sioux City Police Department unless the victim does not wish to pursue criminal charges.

If assistance is required from the Sioux City Police Department, Sioux City Fire Department, or the Sioux City Fire & Rescue Paramedics, Campus Security will contact the appropriate unit. If a sexual assault or rape should occur, staff at the scene, including Campus Security, will offer the victim services. Briar Cliff has access to agencies that assist the victims in these situations such as the Council on Sexual Assault and Domestic Violence (CSADV). At any time, anyone can ask about these resources through the Director of Campus Life and Safety, Campus Ministry, Nurse, or Counselor.

Crimes should be reported to the Campus Security Department or any of the aforementioned personnel to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the campus community, when appropriate. A person may still report a crime and not want to pursue criminal charges or campus charges.

CRIME REPORTING

- 1) The Campus Security Department encourages anyone who is a victim or witness to any crime to promptly report the incident to Campus Security. Campus Security makes all attempts to keep information that would jeopardize an investigation confidential until such time is deemed that such information can be released. In most cases, in the daily crime log, names are left out for the privacy of such individuals. All Clery Act crimes are included in the Annual Security report. The confidentiality of any accommodations or protective measures given to a crime victim will be kept confidential to the extent it does not impair the University's ability to provide such measures.

CONFIDENTIAL REPORTING PROCEDURES

If you are a victim of a crime and do not want to pursue action within the Briar Cliff University system or the criminal justice system, you may still want to consider making a confidential report. Witnesses may also report crimes on a confidential basis for inclusion in the annual disclosure of crime statistics. With your permission, the Director of Security or a designee of the Campus Security Department can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the university can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime regarding a particular location, method, or assailant, and alert the campus community to potential danger. Records filed in this manner are counted and disclosed in the annual crime statistics for the institution.

Campus Counselors as a result of the rulemaking process which followed the signing into law the 1998 amendments to 20 USC § 1092 (f), clarification was given to those considered to be campus security officials. Campus “pastoral counselors” and campus “professional counselors,” when acting as such are not considered to be campus security authorities and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics.

CRIME PREVENTION PROGRAMS

Crime Prevention Programs on personal safety and theft prevention are sponsored by various campus organizations throughout the year. At the beginning of the year, the Office of Residence Life, Facilities, and Campus Security meet with all students to go over building rules and during this time, students are educated about personal safety in and out of the Residence Halls. Campus Security personnel facilitate programs for students, faculty, staff, and student organizations, in addition working with Student Development on programs for students on how to protect themselves against sexual assaults, theft, and other crimes. New employees are given similar information during their orientation. During the year, various crime prevention and safety related information is sent out to the entire campus.

At all times, students, faculty, or staff can call Campus Security for an escort at night. Campus Security also encourages students to walk with others and not alone at night.

SECURITY AWARENESS PROGRAMS

Any time during the year, Campus Security, Residence Life, and Counseling Services are able and willing to offer students programs concerning personal safety. Programs include safety in the residence halls and while on campus. Briar Cliff University works with various local agencies and the local police department to present various programs for the benefit of the students, faculty, and staff at the University.

Campus Security stresses during the year and during various programs that safety starts with the student, faculty, and staff member.

When time is of the essence, information may be sent via the Briar Cliff University Electronic Notification System (ReGroup), campus email, or signs posted around campus.

SAFETY TIPS

Personal Security Recommendations

- Never walk alone at night. Use sidewalks.
- Walk in well-lit areas.
- Walk close to the curb, away from bushes and alleys.
- If you must walk alone, inform someone at your destination when to expect you so he or she will be waiting.
- Request a campus security escort if you are alone during hours of darkness.
- If you are attacked, **SCREAM!!!** Bite, kick and stomp the attacker's foot with your heel. Do anything to bring public attention to your situation.
- Keep items of value out of sight.
- Safeguard any documents that include personal information that others could use to commit identity theft.
- Lock your door whenever you leave your room.
- Report any suspicious activity immediately to campus security or the Sioux City Police Department.

Residence Hall Safety and Security Advice

- Lock your room door – even if you are just going to the restroom or into the room next door. Most crimes that occur on a residential campus are crimes of opportunity and happen when a door is left unlocked.
- Lock your door before you go to sleep.
- Do not prop open residence hall exterior doors.
- Do not lend your keys to anyone at any time.
- Inform your roommate or friends where you will be if you plan to remain away from your room overnight.
- Mark articles of value with an identifying number/mark. Photograph valuable property and keep a record of this information. Do not use your Social Security number or any other number that could have value to others.
- Notify campus security by calling 712-898-1888 if you need an escort from a parking lot, classroom building or residence hall.

Severe Weather Advice

- Move to the lowest part of the building or a central hallway without windows
- Stay as far away from windows, mirrors, or unsecured objects such as dressers, cabinets, or bookcases.
- **DO NOT USE ELEVATORS.**
- Be ready to assist those with disabilities.

- Remain the safe area until the warning has expired, and you have been given the all-clear from Campus Security or Residence Life
- Listen to local TV or radio stations on AM/FM radio your weather radio
- Planning ahead and knowing where you are to go in severe weather situations will help save your life!

Armed Assailant Advice

- Remain calm.
- Lock yourself in the nearest room.
- Turn off all lights
- Close blinds
- Turn off computers if possible.
- Get away from all windows and doors by hiding under desks or tables.
- If you are able to, call Campus Security at 712-898-1888 and the Sioux City Police Department at 911 with the location of the shooter and your location. Try to remain on the line even if you are not speaking to allow the dispatcher to hear what is going on.
- Try to stay as quiet as possible; any noise will alert the shooter to your location.
- Silence cell phones.
- If you try to leave a secure area, have a plan in mind and leave any items behind as they will hinder you as you leave. When approached by the Police Dept. do not be alarmed and work with them and give them any information that will lead them to the shooter.
- If a shooter enters your room, do not try to overtake him/her and work with them if possible.
- When calling Campus Security and the Sioux City Police Dept. give your location, the number of individuals in your location, any injuries, and the name of the shooter if possible, any descriptions of the shooter, what they are wearing and have with them. Any information will assist them in finding the shooter.

MISSING RESIDENT STUDENT POLICY

If a member of Briar Cliff University has reason to believe that a student is missing, all efforts are made to locate the student to determine his or her state of health and well-being through the collaboration of Campus Security, the Office of Academic and Student Affairs, and the missing student's family and friends. If not located within 24 hours, appropriate family members, associates, or a university official will make an official missing person report with the law enforcement agency with jurisdiction. Anyone who believes a student to be missing should report their concern to the Office of Academic and Student Affairs or Campus Security.

Depending on the circumstances presented to college officials, the parents of or the designated confidential contact of the missing student will be notified. In the event that parental notification is necessary, a university official will place the call. This policy is in compliance with Section 488 of the Higher Education Act of 2008.

General Procedure:

1. The Briar Cliff University official receiving the report will collect and document the following information at the time of the report:
 - a. The name and relationship of the person making the report.
 - b. The date, time, and location of the missing student was last seen.
 - c. The missing student's cell phone number (if known by the reporter)
2. The Briar Cliff University official receiving the report will contact the Vice President for Finance (or their designee) in order to inform him/her on the situation and to receive additional consultation.
3. Upon notification from an entity that a student may be missing, Briar Cliff may use any or all the following resources to assist in locating the student:
 - a. Call the student's room.
 - b. Go to the student's residence hall room.
 - c. Talk to the student's RA, roommate, and floor mates to see if anyone can confirm the missing student's whereabouts and/or confirm the date, time, and location the student was last seen.
 - d. Secure a current student ID or other photo of the student from a friend.
 - e. Call and text the student's cell phone and any other numbers on record.
 - f. Send the student an email.
 - g. Check all locations mentioned by the parties above including but not limited to, library, residence hall lounges, student commons, fitness center, etc. The Campus Security Department and the Office of Residence Life may be asked to assist in order to expedite the search process.
 - h. Contact or call other on-campus or off-campus friends or contacts that are made known. This includes checking a student's social networking sites such as Facebook or Twitter.
 - i. Ascertain the student's car make, model, and license plate number. A member of the Campus Security Department will also check Briar Cliff's parking lots for the presence of the student's vehicle.
 - j. Send out an emergency notification text message via the Briar Cliff University Emergency Notification System (ReGroup) to the campus alerting the campus of the situation to ask for help in locating the student.
4. The Briar Cliff University technology staff may be asked to obtain email logs in order to determine the last log in and or access of the network.

Once all information is collected and documented and the Vice President for Student Development (or their designee) is consulted, Campus Security *must* be contacted about any missing student report and law enforcement must be contacted in all cases where a student has been missing for 24 hours.

5. Staff may contact the local police to report the information. (Note: If in the course of gathering information as described above, foul play is evident or strongly indicated, the police can be contacted immediately.) If it is necessary to contact the local or state authorities, police procedure and protocol will be followed by the university.

RESIDENCE AND CAMPUS FACILITIES

Residence halls are locked 24 hours a day. Residents may obtain entry using the keys or guard cards they were issued upon arriving at the university. It is the responsibility of the student to ensure that his or her room is secure.

During Christmas Break, all students are required to vacate the halls except with special permission from the Residence Life Office. The halls are not fully staffed during this break, so keys are normally collected from students to limit access to the halls. All other breaks, students will not be asked to turn in their keys but will be required to notify their RA that they will be on campus at such time.

Hall meetings at the beginning of each term provide the opportunity for residents to learn about building security, campus and residential policies, and enforcement procedures.

All guests in the residence halls must have a student host and are subject to university policies and regulations. The host is responsible for the actions of, and any damages caused by the guest. Overnight guests are usually permitted on the weekends but may not stay more than two consecutive nights. If a roommate objects to the presence of an overnight guest, that guest may not spend the night. Members of a different sex may only be on a floor or in a student room during visitation hours. However, main lounges in the residence halls are not subject to these restrictions. Visitation hours in the residence halls are from 10 a.m. to 12 a.m., Sunday-Thursday. Visitation hours in the residence hall are 10 am – 2 am Fridays and Saturdays.

All buildings are regularly inspected by Campus Security and by Maintenance to ensure that all emergency lighting is working properly. They also ensure that all alarms, doors, and locks are working properly. Outside security concerns are addressed regularly.

FACILITY ACCESS POLICY

During business hours, the University (excluding certain housing facilities) will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours, access to all University facilities is by key/guard card if issued or by admittance via the Campus Security Department. In the case of periods of extended closing, the university will admit only those with prior approval.

Solicitation is strictly prohibited on campus unless prior approval is given by the Vice President of Administration.

MONITORING OFF-CAMPUS ACTIVITY

Briar Cliff University does not recognize any off-campus organizations.

WEAPONS/FIREARMS

For the entire campus's safety, shotguns, rifles, handguns, air guns, bows and arrows, ammunition and all other types of weapons are not permitted. There is no on-campus storage allowed at any time, and no weapon may be stored in any vehicle located on campus. All types of explosives, including fireworks, are prohibited on campus. Please refer to the [Student Handbook](#) for additional prohibitions regarding residence halls.

STATEMENT ON ALCOHOL AND DRUGS

Students who are of the legal drinking age of 21 may possess or consume alcoholic beverages only in their private living quarters. If a student has a roommate, or others in the room, they, along with anyone else in the room, must be 21 also to consume alcohol in the room.

Briar Cliff University complies with the Drug-Free Schools and Communities Act Amendments of 1989, Public Law 101-226. Illegal drugs and paraphernalia are not permitted on campus. Briar Cliff University works closely with the Sioux City Police Department and cooperates with all law enforcement agencies to ensure that all laws pertaining to illegal drugs are being enforced. Possession, use or distribution of any kind of illegal substance goes against Briar Cliff University commitment to the Siouxland Community, is illegal and will result in immediate suspension from campus.

The [Student Handbook](#) contains a detailed list of all other campus disciplinary policies and procedures, including alcohol and drug policies. Provisions for counseling and treatment opportunities are also addressed. Briar Cliff University will make reasonable effort to enforce all federal, state, and local laws.

You can find more on the rule and regulations in the [Student Handbook](#)

PREVENTION PROGRAMS

The University has developed a program to prevent the illicit use of drugs and the abuse of alcohol by students. The program provides services related to drug and alcohol use and abuse including dissemination of informational materials, educational programs, counseling services, referrals, and University disciplinary action.

Briar Cliff University Residence Life and Personal Counseling Services provide the overall coordination of these programs. These programs include:

Alcohol and Drug Education: Programs by Student Development staff and Personal Counseling services address issues of concern throughout the year.

Counseling Services: The Briar Cliff University personal counselor will meet with students on alcohol and drug related issues.

Referral Services: if warranted, Residence Life and Counseling Services will have students seek off-campus counseling and referral services.

University Disciplinary Action: In most cases, disciplinary action will be taken including fines and in severe cases, removal of the student(s) from the university, including classes and the residence halls. The student does have the right and ability to appeal the action to the Judicial Officer and Judicial Committee.

Educational programs offered on Alcohol and Drug abuse education:

“Safe Colleges” “Safe Colleges,” is an online, interactive training program for all students and employees. Students and employees received their personal online link through their university email account. New students completed the program for extra credit in their Core 120: Freshman Seminar course. The program for undergraduate students, “Think About It,” provides a comprehensive foundation in four areas: 1) sex in college, 2) partying smart, 3) sexual violence, and 4) the relationship. Specifically, “The Partying Smart” portion of the program focuses on substance abuse and provides frank, non-judgmental coaching about drugs and alcohol so students learn what is and is not safe when they party. Furthermore, through the course, students hear more about social norming as they are asked questions about alcohol, relationships, and sex and instantly are shown their peer responses. This comparison helps break through the dangerous illusion that “everybody else is doing it.”

“BCU On Stage” “BCU on Stage” engages students in a facilitated discussion about high-risk choices relating to alcohol and other drugs, relationship violence, sexual assault, and bystander intervention. This program was sponsored during Charger Weekend for all new students. The program featured current upper class student mentors as actors in skits that depicted incidents relating to one of the previously mentioned categories. Professionals from community non-profit advocacy organizations were present to facilitate the discussion and provide information to access resources. Campus professionals were also present to assist in facilitating discussion related to programs and services available on campus for students.

“Step Up! Be a Leader, Make a Difference!”

An intentional effort was made to include bystander training in Core 101: Freshman Franciscan Seminar. Specifically, a group of faculty and staff were trained to facilitate “Step UP! Be a Leader, Make a Difference.” Step UP! is a prosocial behavior and bystander intervention program that educates students to be proactive in helping others. The goals of Step UP! are to: 1) raise awareness of helping behaviors, 2) increase motivation to help, 3) develop skills and confidence when responding to problems or concerns, and 4) ensure the safety and well-being of self and others. First-years students learned skills that can assist them in addressing situations

where bystander intervention is appropriate including, alcohol abuse, hazing, sexual assault/relationship abuse and discrimination. Alcohol and alcohol poisoning scenarios are included in Briar Cliff's STEP-Up training.

Alcohol eCHECKUP TO GO (e-CHUG survey):

In collaboration with Health and Counseling Services and New Student Programs, new students are offered access to the eCHECKUP TO Go (e-Chug survey), an evidence-based online prevention intervention. This tool provides personalized feedback that helps to show a student's personal drinking habits, family history and campus norms. The e-CHUG is a brief assessment tool that takes 10-15 minutes to complete, is self-guided, requires no face-to-face contact with a counselor, and is completely anonymous. New students are required to complete the assessment as part of their Freshman Seminar course (CORE 120), utilizing the New Student Online Summer Bridge program.

Policy on sexual Violence and Sexual Harassment

I. Policy Overview

This policy sets forth Briar Cliff University's obligations under the 2024 Title IX Regulations

Our Title IX Coordinator is:

Daniel Jung, Associate Provost of Student Success and Life
Daniel.jung@briarcliff.edu
712-279-5393

Title IX Deputy Coordinators are:

David Arens, Director of Campus Life and Safety
David.Arens@briarcliff.edu
712-279-1715

Director of Human Resources
humanresources@briarcliff.edu

Questions about Title IX may be referred to the Title IX Coordinator.

Any person may report conduct prohibited by this policy to the Title IX Coordinator or Security.

Statement of Non-Discrimination

Briar Cliff University is committed to maintaining an educational environment that is free from discrimination and harassment. In accordance with federal and state law, including Title IX of the Education Amendments of 1972, Briar Cliff University does not discriminate on the basis of

sex, race, color, national origin, age, disability, religion, sexual orientation, gender identity, pregnancy, childbirth, termination of pregnancy, lactation, related medical conditions, or any other characteristic protected by law in its educational programs, activities, admissions, or employment practices.

Title IX prohibits discrimination on the basis of sex in any educational program or activity operated by a recipient of federal financial assistance. Sexual harassment, which includes acts of sexual violence, is a form of sex discrimination prohibited by Title IX. Discrimination on the basis of sexual orientation and gender identity is also explicitly prohibited under Title IX.

Title IX responsibilities extend to conduct that occurs off campus, including online behavior and conduct outside the United States, provided the university has disciplinary authority over the respondent's conduct.

The university must protect students, employees, and applicants from discrimination based on pregnancy, childbirth, termination of pregnancy, lactation, related medical conditions, or recovery. This includes providing reasonable modifications for pregnant students, reasonable break time for employees for lactation, and a clean, private lactation space for both students and employees.

Any person who believes that they have been subjected to discrimination or harassment in violation of this policy may file a complaint with the University's Title IX Coordinator:

Title IX Coordinator:

Daniel Jung, Ph.D.
Associate Provost of Student Success and Life
Briar Cliff University
3303 Rebecca Street
712-279-5393
Daniel.jung@briarcliff.edu

Briar Cliff University also provides for the prompt and equitable resolution of complaints alleging any action prohibited by Title IX. The University will take immediate steps to eliminate harassment, prevent its recurrence, and address its effects.

Retaliation against any individual for reporting discrimination or harassment or for participating in the investigation or resolution of a complaint is strictly prohibited. Briar Cliff University will take appropriate disciplinary action against individuals who engage in retaliatory conduct.

For further information on notice of nondiscrimination or to file a complaint of discrimination, please contact the Office for Civil Rights (OCR) of the U.S. Department of Education:

Office of Civil Rights:

U.S. Department of Education
Lyndon Baines Johnson Department of Education Building
400 Maryland Avenue, SW

Washington, DC 20202-1100
Phone: 1-800-421-3481
Fax: 202-453-6012
TDD: 800-877-8339
Email: OCR@ed.gov
Website: <https://www2.ed.gov/about/offices/list/ocr/index.html>

Briar Cliff University is dedicated to fostering an inclusive and welcoming community and will take all necessary measures to ensure compliance with Title IX and other applicable nondiscrimination laws.

Scope

This policy applies to all students, faculty, and staff who experience prohibited sexual harassment in Briar Cliff University's education programs or activities. This includes locations, events, or circumstances over which Briar Cliff University exercised substantial control over both the Respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by Briar Cliff University. Briar Cliff University has other policies and procedures that may be applicable if the conduct does not meet the definition of prohibited sexual harassment under this policy or otherwise fall within the scope of this policy.

1. **Geographical Scope:** Title IX responsibilities extend to conduct that occurs off campus, including online behavior and conduct outside the United States, provided the university has disciplinary authority over the respondent's conduct.
2. **Sexual Orientation and Gender Identity:** Discrimination on the basis of sexual orientation and gender identity is prohibited under Title IX. This includes protections for LGBTQI+ students and employees, consistent with the Supreme Court's ruling in *Bostock v. Clayton County* (2019).
3. **Pregnancy and Lactation Protections:** The university must protect students, employees, and applicants from discrimination based on pregnancy, childbirth, termination of pregnancy, lactation, related medical conditions, or recovery. This includes providing reasonable modifications for pregnant students and reasonable break time and a clean, private lactation space for employees and students.

Policy Requirements

II. Prohibited Sexual Harassment

In accordance with its obligations under the Title IX Regulations of 2024, Briar Cliff University prohibits sexual harassment, which is conduct on the basis of sex that satisfies one or more of the following definitions:

1. **Quid Pro Quo Conduct.** An employee of Briar Cliff University conditions the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;

2. Unwelcome Conduct. Unwelcome conduct that is determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Briar Cliff University's education program or activity; or

3. Sexual assault. An offense classified as a forcible or nonforcible sex offense. This category of prohibited conduct includes the following:

- i. **Sex Offenses**—Any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent.
- ii. **Rape**—(Except Statutory Rape) The actual or attempted carnal knowledge of a person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of their temporary or permanent mental or physical incapacity.
- iii. **Sodomy**—Oral or anal sexual intercourse with another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of their youth or because of their temporary or permanent mental or physical incapacity.
- iv. **Sexual Assault With An Object**—To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of their youth or because of their temporary or permanent mental or physical incapacity.
- v. **Fondling**—The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of their youth or because of their temporary or permanent mental or physical incapacity.
- vi. **Incest**—Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- vii. **Statutory Rape**—Nonforcible sexual intercourse with a person who is under the statutory age of consent.

4. Dating violence. Violence committed by a person— (A) who is or has been in a social relationship of a romantic or intimate nature with the complainants; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship. (ii) The type of relationship. (iii) The frequency of interaction between the persons involved in the relationship.

5. Domestic violence. A felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the complainant under the domestic or family violence laws of the state of Iowa or by any other person against an adult or youth complainant who is protected from that person's acts under the domestic or family violence laws of the state of Iowa.

6. Stalking. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to— (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.

III. Reporting Prohibited Sexual Harassment

- 1. Notice of Allegations.** Briar Cliff University has notice of sexual harassment or allegations of sexual harassment when such conduct is reported to the Title IX Coordinator or any official of Briar Cliff University who has authority to institute corrective measures on behalf of Briar Cliff University. However, all employees are *required* to report sexual harassment, as defined and prohibited by this policy, to the Title IX Coordinator, consistent with the requests of the Complainant.
- 2. Response to a Report.** With or without a Formal Complaint, upon a report of sexual harassment, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of Supportive Measures, consider the Complainant's wishes with respect to Supportive Measures, inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint.
- 3. Information Packet.** Upon a receipt of a report of sexual assault, dating violence, domestic violence or stalking, Briar Cliff University shall provide an information packet that contains procedures to follow if a sex offense, domestic violence, dating violence, sexual assault, or stalking has occurred, including information in writing about—
 - i.** The importance of preserving evidence as may be necessary to the proof of criminal domestic violence, dating violence, sexual assault, or stalking, or in obtaining a protection order;
 - ii.** How and to whom the alleged offense should be reported;
 - iii.** Options regarding law enforcement and campus authorities, including notification of the option to:
 - a.** notify proper law enforcement authorities, including on-campus and local police;
 - b.** be assisted by campus authorities in voluntarily notifying law enforcement authorities; and
 - c.** decline to notify such authorities;
 - iv.** Where applicable, their rights and the institution's responsibilities regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court;
 - v.** Information about appropriate and available services both at the institution and in the community; and
 - vi.** Options for, available reasonably available assistance and accommodations and how to request them.

Briar Cliff University's information packet for complainants of sexual assault, dating violence, domestic violence, and stalking is available from the Title IX Coordinator.

- 4. Implementation of Supportive Measures.** Briar Cliff University shall treat parties equitably by offering Supportive Measures to the Complainant, and by following a grievance process that complies with this policy before the imposition of any disciplinary sanctions or other

actions that are not Supportive Measures against the Respondent. Briar Cliff University will maintain as confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of Briar Cliff University to provide the Supportive Measures. The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures. The Title IX Coordinator should record and retain records regarding requests and provision of Supportive Measures in accordance with the requirements set out at XIV. Record Keeping, below.

5. **Emergency removal.** Nothing in this part precludes a recipient from removing a Respondent from Briar Cliff University's education program or activity on an emergency basis, provided that Briar Cliff University undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.
6. **Administrative Leave.** Briar Cliff University reserves the right to place a non-student employee Respondent on administrative leave during the pendency of a grievance process.
7. **Confidential Reporting/ Support.** There are people on campus that complainants or witnesses can talk to confidentially. You can call or approach any of the following professional staff confidentially and tell them what happened. They will listen and explain options, including, where deemed appropriate, the option of reporting a crime on a confidential basis for the purposes of the University's annual crime report. Talking to a "Confidential Support Contact" listed below does not constitute reporting the incident to the University.

Confidential Support Contacts:

- Director of Counseling Services: Therese Copple
- Director of Health Services: Jacki Volz
- Campus Minister: Sr. Stella Nneji

IV. Grievance Procedures for Resolving Complaints of Prohibited Sexual Harassment and Sexual Discrimination

1. Informal Resolution

Consistent with the requirements of this section, at any time prior to reaching a determination regarding responsibility Briar Cliff University may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that Briar Cliff University:

- i. Provides to the parties a written notice disclosing:
 - i. The allegations,
 - ii. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance procedures with respect to the Formal Complaint, and
 - iii. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

- ii. Obtains the parties' voluntary, written consent to the informal resolution process; and
- iii. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.
- iv. Completes the informal resolution process within 60 days of receiving the Formal Complaint, unless unusual or complex circumstances exist.

Briar Cliff University does not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of Formal Complaints of sexual harassment under this policy. Briar Cliff University shall not require the parties to participate in an informal resolution process and will not offer an informal resolution process unless a Formal Complaint is filed. Informal resolution cannot be used on complaints of employee-on-student harassment.

2. Formal Complaint

i. Filing a Formal Complaint.

The following people have a right to make a complaint of sex-based harassment, requesting that Briar Cliff University investigate and make a determination about alleged sex-based harassment under Title IX:

- A "complainant," which includes:
 - a student or employee of Briar Cliff University who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
 - a person other than a student or employee of Briar Cliff University who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in Briar Cliff University's education program or activity;
 - A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
- Briar Cliff University's Title IX Coordinator.

A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator above. Reports may be submitted through the Title IX webpage [here](#). A "document filed by a Complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by Briar Cliff University) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party. A Formal Complaint shall trigger an investigation except as specified below.

- ii. **Dismissal of a Formal Complaint.** Briar Cliff University shall investigate the allegations in a Formal Complaint, except as follows:
 - a. Briar Cliff University shall dismiss the Formal Complaint if the conduct alleged in the Formal Complaint
 - i. would not constitute sexual harassment and discrimination as defined by this policy, even if proved,
 - ii. did not occur in Briar Cliff University's education program or activity,
 - iii. or did not occur against Briar Cliff University's students or employees, regardless of whether they were on or off campus.

- iv. This dismissal does not preclude action under another policy or procedure of Briar Cliff University.
 - b. Briar Cliff University may dismiss the Formal Complaint or any allegations therein, if at any time during the investigation or hearing:
 - i. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint (voluntary withdrawal) or any allegations therein;
 - ii. The Respondent is no longer enrolled or employed by Briar Cliff University; or
 - iii. Specific circumstances prevent Briar Cliff University from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.
 - c. Upon dismissal, Briar Cliff University will promptly notify the complainant in writing of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then Briar Cliff University will notify the parties simultaneously in writing.
 - d. Briar Cliff University will notify the complainant that a dismissal may be appealed on the basis outlined in the Appeals section. If dismissal occurs after the respondent has been notified of the allegations, then Briar Cliff University will also notify the respondent that the dismissal may be appealed on the same basis. If a dismissal is appealed, Briar Cliff University will follow the procedures outlined in the Appeals section.
 - e. When a complaint is dismissed, Briar Cliff University will, at a minimum:
 - i. Offer supportive measures to the complainant as appropriate;
 - ii. If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
 - iii. Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within Briar Cliff University's education program or activity.
- iii. **Consolidation of Formal Complaints.** Briar Cliff University may consolidate Formal Complaints as to allegations of sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. Where a grievance process involves more than one Complainant or more than one Respondent, references in this section to the singular "party," "Complainant," or "Respondent" include the plural, as applicable.
- iv. **Written Notice of Allegations**
 - i. **Initial Notice of Allegations.** Upon initiation of these Title IX grievance procedures, Briar Cliff University will notify the parties in writing of the following with sufficient time for the parties to prepare a response before any initial interview:
 - a. Briar Cliff University's Title IX grievance procedures and any informal resolution process (this policy as a link or attachment).
 - b. Notice of the allegations of sexual harassment potentially constituting sexual harassment as defined in this policy, including sufficient details known at the time and with sufficient time to

prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment under this policy, and the date(s) and location(s) of the alleged incident(s), if known.

- c. A statement that the respondent is presumed not responsible for the alleged sex-based harassment until a determination is made at the conclusion of the grievance procedures. Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker;
- d. Retaliation is prohibited.
- e. Notification to the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney.
- f. Notification to the parties that they may inspect and review evidence, as set forth in this policy.
- g. Any provision in Briar Cliff University's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
- h. Describes the standard of evidence that will be used.
- i. Lists all possible sanctions the institution may impose.

- v. **Amended Notice of Allegation.** If, in the course of an investigation, Briar Cliff University decides to investigate additional allegations about the Complainant or Respondent that are not included in the initial notice of allegations, Briar Cliff University must provide notice of the additional allegations to the parties whose identities are known.

vi. **Principles for Grievance Procedures**

Briar Cliff University has adopted grievance procedures that provide for prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations.

Under the grievance procedure, Briar Cliff University shall:

- a. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on Briar Cliff University and not on the parties provided that Briar Cliff University cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless Briar Cliff University obtains that party's voluntary, written consent to do so for a grievance process under this section (if a party is not an "eligible student," as defined in 34 CFR 99.3, then Briar Cliff University must obtain the voluntary, written consent of a "parent," as defined in 34 CFR 99.3).
- b. Treat complainants and respondents equitably.
- c. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.

- d. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
- e. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the Complainant or Respondent in any meeting or grievance proceeding; however, Briar Cliff University may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.
- f. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
- g. Require an objective evaluation of all relevant evidence—including both inculpatory and exculpatory evidence—and provide that credibility determinations may not be based on a person’s status as a Complainant, Respondent, or witness.
- h. Require that any individual designated as a Title IX Coordinator, investigator, decisionmaker, or any person to facilitate an informal resolution process, not have a conflict of interest or bias for or against complainants or respondents generally or an individual Complainant or Respondent. Briar Cliff University may use internal personnel or external parties in the informal resolution process or the grievance process provided that they meet this requirement.
- i. Include a presumption that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
- j. Use the following standard of evidence to determine responsibility for allegations in a Formal Complaint of sexual harassment: the preponderance of the evidence standard. The standard of evidence shall be the same for Formal Complaints against students as for Formal Complaints against faculty and staff.
- k. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

vii. Extensions of the Grievance Process

The Title IX Coordinator may grant or deny requests from either party to temporarily delay the grievance process or may issue the limited extension of time frames for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action.

Good cause may include considerations such as the absence of a party, a party’s advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

viii. Investigation of Formal Complaints

When investigating a Formal Complaint Briar Cliff University shall, within 30 days of receiving the Formal Complaint, unless unusual or complex circumstances exist:

- a. Engage in fact-gathering of all relevant facts. Credibility resolutions and fact-finding shall be conducted in the live hearing phase of the grievance process.
- b. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint, including the evidence upon which Briar Cliff

University does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation.

- c. Prior to completion of the investigative report, send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report.
- d. Briar Cliff University will provide each party and the party's advisor, if any, with an equal opportunity to access the evidence that is relevant to the allegations of sex-based harassment and not otherwise impermissible, in the following manner:
 - i. Briar Cliff University will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or the same written investigative report that accurately summarizes this evidence. Briar Cliff University will provide access to an investigative report: Briar Cliff University will further provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.
 - ii. Briar Cliff University will provide a reasonable opportunity to review and respond to the evidence or the investigative report. In the live hearing as part of its grievance procedures, it will provide this opportunity to review the evidence in advance of the live hearing. Briar Cliff University may decide whether to provide this opportunity to respond prior to the live hearing, during the live hearing, or both prior to and during the live hearing; and
 - iii. Briar Cliff University will take reasonable steps to prevent and address the parties' and their advisors' unauthorized disclosure of information and evidence obtained solely through the sex-based harassment grievance procedures.
- e. Make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination; and
- f. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

V. Live Hearings Under the Grievance Procedure

- 1. **Requirement of a Live Hearing for Fact-Finding and Determining Responsibility.**
 - i. Following the investigation, within 30 days of sending the final investigative report to the parties, unless unusual or complex circumstances exist Briar Cliff University shall conduct a live hearing for the purposes of determining responsibility for allegations of sexual harassment in the Formal Complaint. The process from investigation through determining responsibility shall be resolved within a 60-day time frame.

- ii. The decision-maker(s) cannot be the same person(s) as the Title IX Coordinator or the investigator(s).
- iii. If a party does not have an advisor present at the live hearing, Briar Cliff University shall provide without fee or charge to that party, an advisor of Briar Cliff University's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party. Briar Cliff University is obligated to ensure each Party has an advisor, either of the Party's or Briar Cliff University's choice regardless of whether or not the Party is present at the hearing.
- iv. Live hearings may be conducted with all parties physically present in the same geographic location or, at Briar Cliff University's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.
- v. At the request of either party, Briar Cliff University shall provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or the witness answering questions.
- vi. Briar Cliff University shall create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.

i. Questioning at the Live Hearing

Briar Cliff University will provide a process that enables the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex-based harassment.

Briar Cliff University's process for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility, will allow the decisionmaker to ask such questions, and either:

- a. Allow each party to propose such questions that the party wants to be asked of any party or witness and have those questions asked by the decisionmaker, subject to the procedures for evaluating and limiting questions discussed below; or
- b. Allow each party's advisor to ask any party or witness such questions, subject to the procedures for evaluating and limiting questions discussed below. Such questioning will never be conducted by a party personally. If Briar Cliff University permits advisor-conducted questioning and a party does not have an advisor to ask questions on their behalf, Briar Cliff University will provide the party with an advisor of Briar Cliff University's choice, without charge to the party, for the purpose of advisor-conducted questioning. In those instances, Briar Cliff University will not appoint a confidential employee and may appoint, but is not required to appoint, an attorney to serve as an advisor.
- c. Procedures for the decision maker to evaluate the questions and limitations on questions: The decisionmaker will determine whether a proposed question is relevant and not otherwise impermissible before the question is posed and will explain any decision to exclude a question as not relevant or otherwise impermissible. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The decisionmaker will give a party an opportunity to clarify or revise a question that the decisionmaker determines is unclear or harassing. If the party sufficiently clarifies or revises the question, the question will be asked.
- d. Refusal to respond to questions and inferences based on refusal to respond to questions: The decisionmaker may choose to place less or no weight upon statements by a party or

witness who refuses to respond to questions deemed relevant and not impermissible. The decisionmaker will not draw an inference about whether sex-based harassment occurred based solely on a party's or witness's refusal to respond to such questions.

- e. Procedures for a Live Hearing
 - i. At the live hearing, the decisionmaker(s) must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those that challenge credibility.
 - ii. Only relevant cross-examination and other questions may be asked of a party or witness.
 - iii. Cross-examination at the live hearing must be conducted directly, orally, and in real-time by the party's advisor of choice and never by a party personally, notwithstanding Briar Cliff University's ability to otherwise restrict the extent to which advisors may participate in the proceedings.
 - iv. Before the Complainant, Respondent, or witness answers a cross-examination or other question, the decision-maker(s) must first determine whether the question is relevant. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.
 - v. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

3. Use of Witness Statements

- i. If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility.
- ii. The decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

4. Written Determination of the Decision-Maker

- i. Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the decision-maker(s) shall issue a written determination regarding responsibility. To reach this determination, the decision-maker must apply the standard of evidence required by this policy. The written determination must include:
 - a. Identification of the allegations potentially constituting sexual harassment as defined by this policy;
 - b. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
 - c. Findings of fact supporting the determination;
 - d. Conclusions regarding the application of Briar Cliff University's policy to the facts;
 - e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and whether remedies designed to restore or preserve equal access to Briar Cliff University's education program or activity will be provided to the complainant; and

- f. The procedures and permissible bases for the Complainant and Respondent to appeal, as set forth in this policy.
- ii. Briar Cliff University shall provide the written determination to the parties simultaneously.
- iii. If there is a determination that sex discrimination occurred, as appropriate, the Title IX Coordinator will coordinate the provision and implementation of remedies to a complainant and other people Briar Cliff University identifies as having had equal access to Briar Cliff University's education program or activity limited or denied by sex discrimination; Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within Briar Cliff University's education program or activity.
- iv. The determination regarding responsibility becomes final either on the date that Briar Cliff University provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

VI. Appeals

Within 10 days of receiving the written determination, either party may appeal from a determination regarding responsibility, and from Briar Cliff University's dismissal of a Formal Complaint or any allegations therein, on the following grounds:

- Ground 1:** Procedural irregularity that affected the outcome of the matter;
- Ground 2:** New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- Ground 3:** The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

As to all appeals, the Title IX Coordinator (or designee) shall:

- i. Notify the other party in writing immediately when an appeal is filed and implement appeal procedures equally for both parties;
- ii. Ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
- iii. Ensure that the decision-maker(s) for the appeal complies with the standards set forth in this policy;
- iv. Give the non-appealing party an opportunity to submit a written statement in response to the appeal within 10 days of receiving the appeal, which shall be transmitted within 2 business days to the Appeal Officer;

Within 20 days of receiving the appeal and the response, the Appeal Officer shall issue a written decision describing the result of the appeal and the rationale for the result; and provide the written decision simultaneously to both parties.

VII. Remedies and Sanctions

Remedies must be designed to restore or preserve equal access to Briar Cliff University's education program or activity. The University's decision to impose sanctions will depend on the nature and severity of the incident and whether or not it can be determined by a preponderance of the evidence that a policy violation has occurred. If it appears that a policy violation has occurred, the range of responses includes, but is not limited to:

- Intervention by supervisor or appropriate authority
- Individual meeting with the option of a support person in attendance
- Facilitated conversation or mediation (not available for sexual assault cases)
- Educational or University sponsored activities
- No contact order between complainant and respondent.
- Change in academic or work schedules or arrangements
- Change in living situation on an interim or permanent basis.
- Disciplinary action, including but not limited to:
 - Suspension
 - Dismissal, termination, or expulsion.
 - Discipline short of dismissal, termination, or expulsion such as verbal or written warnings or probation.
- Public Service.
- Referral to law enforcement when there is danger or threat to the community and/or when requested by the complainant.

The Title IX Coordinator is responsible for the effective implementation of any remedies.

VIII. Retaliation Prohibited

No one may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right established by this policy or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or Formal Complaint of sexual harassment, for the purpose of interfering with any right under this Policy constitutes retaliation.

The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this section.

Complaints alleging retaliation may be filed with the Title IX Coordinator.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy does not constitute retaliation prohibited under of this section, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

IX. Title IX Amnesty Policy

The health and safety of every student at the university is of utmost importance. The university recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that prohibited conduct under these procedures occurs may be hesitant to report incidents due to fear of potential consequences for their own conduct. The university strongly encourages students to report such prohibited conduct. A student bystander or complainant acting in good faith who discloses any incident of prohibited conduct under these procedures to a Briar Cliff University official or to law enforcement shall not be subject to action under the university's Campus Code of Conduct for violation of alcohol and/or drug use occurring at or near the time of the commission of the prohibited conduct. While no disciplinary action will be taken, Briar Cliff University reserves the right to take steps necessary to address health and safety concerns for the individual and the community, as well as the right to report truthfully to outside agencies.

X. Confidentiality

Consistent with the requirements of this policy, Briar Cliff University shall keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a Formal Complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

XI. Required Trainings

The Title IX Coordinator, investigators, decision-makers, and any person who facilitates an informal resolution process (whether internal or external) shall receive training on the definition of sexual harassment under this policy, the scope of Briar Cliff University's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. These individuals shall receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to investigate and hearing process that protects the safety of complainants and promotes accountability.

Decision-makers shall receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant.

Investigators shall receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, will not rely on sex stereotypes, and will promote impartial investigations and adjudications of Formal Complaints of sexual harassment.

XII. Recordkeeping

Briar Cliff University shall maintain for a period of seven years records of— (A) Each sexual harassment investigation including any determination regarding responsibility and any audio or

audiovisual recording or transcript required under this policy, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to Briar Cliff University's education programs or activities; (B) Any appeal and the result therefrom; (C) Any informal resolution and the result therefrom; and (D) All materials used to train Title IX Coordinators, investigators, decisionmakers, and any person who facilitates an informal resolution process. A recipient must make these training materials publicly available on its website, or if the recipient does not maintain a website the recipient must make these materials available upon request for inspection by members of the public.

Briar Cliff University shall create, and maintain for a period of seven years, records of any actions, including any Supportive Measures, taken in response to a report or Formal Complaint of sexual harassment. In each instance, Briar Cliff University will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to Briar Cliff University's education program or activity. If Briar Cliff University does not provide a complainant with Supportive Measures, then Briar Cliff University must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit Briar Cliff University in the future from providing additional explanations or detailing additional measures taken.

Definitions

1. **Actual Knowledge** When university receives notice of alleged misconduct that meets the definition of "sexual harassment" under Title IX regulations and must respond appropriately.
2. **Affirmative consent** means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that they have the affirmative consent of the other or others to engage in the sexual activity. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time.
 - Lack of protest or resistance does not mean consent.
 - Silence does not mean consent.
 - The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

It shall not be a valid excuse that the Respondent believed that the Complainant affirmatively consented to the sexual activity if the Respondent knew or reasonably should have known that the Complainant was unable to consent to the sexual activity under any of the following circumstances:

- The Complainant was asleep or unconscious.
- The Complainant was incapacitated due to the influence of drugs, alcohol, or medication so the Complainant could not understand the fact, nature, or extent of the sexual activity.
- The Complainant was unable to communicate due to a mental or physical condition.

In addition, it shall not be a valid excuse to alleged lack of affirmative consent that the Respondent believed that the Complainant consented to the sexual activity under either of the following circumstances:

- The Respondent's belief in affirmative consent arose from the intoxication or recklessness of the Respondent.
- The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively consented.

3. **Allegation** An assertion that someone has engaged in sexual harassment.
4. **Complainant** means an individual who is alleged to be the victim of conduct that could constitute sexual harassment under this policy.
5. **Formal complaint** means a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that Briar Cliff University investigate the allegation of sexual harassment. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the education program or activity of Briar Cliff University with which the Formal Complaint is filed.
6. **Grievance Procedures** means the fact-finding procedure from the time of the filing of the Formal Complaint through the final determination of an appeal (if any).
7. **Reporter: The person who reports sexual harassment to the university. May be the complainant but may also be someone else (also known as a “third party” reporter).**
8. **Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment under this policy.
9. **Supportive Measures** means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to Briar Cliff University’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or Briar Cliff University’s educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. Supportive measures may also include written notification about available services both within the institution and the community and options for available assistance as required by the Clery Act. Supportive measures are not disciplinary measures.

Revisions

August 25, 2015	New Policy	Legal Reviewed and Approved
September 28, 2015	Updated Director of Counseling Services	
January 27, 2020	Updated Title IX Coordinator and terminology	
March 3, 2020	Updated Director of Counseling	
July 2020	Updated for compliance with New Regulations	Effective August 14, 2020

July 2021	Updated for compliance with New Regulations	Effective August 23, 2021
July 2024	Updated for compliance with New Regulations	

Policy on the Reporting of Suspected Child Abuse

I. PURPOSE

The purpose of this policy is to provide guidance to staff, faculty, and students of the Briar Cliff University community regarding the mandatory requirements in Iowa law that govern the reporting of suspected cases of child abuse; and to affirm the commitment of the university to the protection of the safety and welfare of children who come into contact with the Briar Cliff University community.

II. DEFINITIONS A.

“Abuse” means:

- 1.The physical or mental injury of a child by a person who has permanent or temporary care or custody or responsibility for supervision of a child; or
- 2.Sexual abuse of a child, whether physical injuries are sustained or not, defined as any act that involves sexual molestation or exploitation of a child by a parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child. B. “Child” means any individual under the age of 18 years.

III. REPORTING REQUIREMENTS

A. Reporting Requirements for any University employee, who in the scope of the employee’s employment responsibilities examines, attends, counsels, or treats a child.

Any university employee who has reason to believe that a child has been physically or sexually abused shall report this suspicion as follows:

1.A verbal report shall be made as immediately as is practicable, within 48 hours of the event that caused the employee to believe that a child has been subject to abuse:

- a. To the Director of Security, and
- b. Nothing shall limit an employee from reporting directly to law enforcement.

2.A written incident report shall also be provided to the Vice President for Finance within 48 hours of the event that caused the employee to believe that a child has been subject to abuse.

c. The report shall include the following information, to the extent that the employee knows it:

- i. The name, age, and home address of the child;
- ii. The name and home address of the parent or other person responsible for the care of the child;
- iii. The child’s whereabouts;
- iv. The nature and extent of the suspected abuse, including any information regarding possible previous instances of abuse; and
- v. Any other information that may help to identify the person responsible for the abuse or determine the cause.

B. Questions Regarding the Reporting Requirements.

Questions regarding the applicability of these requirements to a particular individual or situation may be directed to Human Resources.

IV. POLICY IMPLICATIONS AND CONSEQUENCES

A. Failure to Report.

Any employee who fails to report suspected child abuse in violation of this policy may be subject to discipline for misconduct, up to and including termination of the employee's employment. B. Confidentiality.

The confidentiality of a report of suspected child abuse, including the identity of an individual who makes a report under this policy, the individual suspected of abuse, and the child who may have been abused, will be protected consistent with relevant federal and state laws.

C. Retaliation

No employee will suffer retaliation for reporting alleged instances of child abuse. Any person found to have made an unsubstantiated complaint with intentional dishonesty or malice will also be subject to appropriate corrective action.

V. RESPONSIBILITIES OF THE INSTITUTION

A. Information Dissemination.

Employees, students, and other members of the campus community shall be informed of this policy through [Employee](#) or [Student Handbook](#), and any other appropriate means of communication.

B. Training Employees and students who have regular contact with children will receive periodic training in the requirements of this policy.

C. Cooperation with Other Agencies.

The university will cooperate fully and appropriately with any investigation of suspected child abuse by a local department of social services or law enforcement agency. If the individual suspected of child abuse is an employee, student, or contractor of the University, the University will coordinate its own investigation or other activities in response to a report with the appropriate local agency.

SEX OFFENDER REGISTRATION

Law enforcement agency information provided by the State of Iowa under section 121 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16921), concerning registered sex offenders may be obtained at <http://www.iowasexoffender.com>

HATE CRIMES POLICY

Hate Crimes is defined in Iowa Code 729.A.2 means one of the following public offenses (assault, criminal mischief, trespass, arson) when committed against a person or person's property because of the person's race, color, religion, national origin, political affiliation, sex,

sexual orientation, gender identity, age, disability, ancestry/ethnicity, or a person's association with a person of any of the above determinants.

Assault is defined in Iowa Code 708.1 is any act committed without justification intended to cause pain or injury; insulting or offensive physical contact; intention to place another in fear; threats involving firearms or dangerous weapons.

Criminal Mischief as defined in Iowa Code 716.1 is any intentional damage, defacing, alteration, or destruction of tangible property.

Trespass as defined in Iowa Code 716.7 is entering property without permission of the owner with intent to commit public offense; remaining after being requested to abstain or vacate; or removing, altering, or damaging items.

Arson as defined in Iowa Code 712.1 is causing fire or explosion; placing burning or combustible incendiary or explosive materials or devices in or near property with intent to destroy or damage such property or with knowledge that property be damaged, whether damage results or not.

Policy:

The university may adjudicate any student in non-academic matters if he or she is found to have committed the following misconduct on university premises or functions sponsored by or participated in by the university:

- A. Any behavior that is directed at a specific person or group of persons, and which creates an environment wherein the behavior is inherently likely to provoke a violent action where or not it actually does so.
- B. Behavior by any student, in class or out of class, which for any reason whether it stems from time, place, or type of behavior-disrupts the class work of others, involves substantial disorder, invades the rights of others, or otherwise disrupts the regular and essential operation of the university.
- C. Participation in a campus demonstration: See Freedom of Inquiry and Expression in the [Student Handbook](#).
- D. Behavior of any kind that involves an expressed or implied threat to interfere with an individual's personal safety, academic efforts, employment, or participation in university sponsored extracurricular activities. The sanction or sanctions imposed by the university upon a student may be enhanced when the student has
 1. Violated the lawful regulations in the Student Code, and
 2. Intentionally selected the person or persons against whom the underlying violation was committed or selected property which was damaged or otherwise affected by the student code because of race, religion, color, disability, sexual orientation, national origin, or ancestry of that group of persons or the owner(s) or occupant(s) of that property. Whether the intent required (as specified in the

paragraph above) is present shall be determined by consideration of all relevant circumstances.

Reporting the Incident

Students have the following options to report any instances of hate crimes. You have the right to choose to do any or all of these options, or to do nothing. The choice is yours:

- 1. Report the incident of abuse/violence, but choose not to file a complaint with the university or criminal charges:**
 - g. A report is a written or typed account of what happened that is taken by anyone listed as an On-Campus Resource for reporting hate crimes. This report is for documentation purposes only and will be kept on record with the university.
 - h. If a student wishes NOT to pursue the case through the university conduct system, the student will be able to determine that when he/she provides his/her report.
 - i. If the student is unsure, he/she wishes to file a report, they are encouraged to so that information about the incident is documented while it is easily remembered.
 - j. Having a hate crime experience documented by a university staff member does not obligate you to report the incident to the Sioux City Police Department. Similarly, reporting directly to the Sioux City Police Department does not oblige you to file a complaint with Briar Cliff University. These are separate processes.
- 2. File a formal complaint with the university:**
 - a. This report is designated as a formal complaint by the complainant, and the university will investigate the incident as appropriate. Anyone listed as an on-campus Resource for Reporting Hate Crime Policy violation.
 - b. A student will be able to choose not to pursue the case at any time throughout the process.
 - c. The University will investigate the incident, which may include speaking to the respondent (the accused), witnesses, and gathering other information. The university will then make a recommendation or decision based upon the information presented. The investigation may take several days or weeks, depending on the circumstances.
 - d. Conduct processes, as outlined in the [Student Handbook](#), will be followed throughout the process of the complaint.
- 3. Pursue criminal charges**
 - a. A student that wishes to file criminal charges will need to file an official report of the assault with the Sioux City Police Department. Responding officers could contact the proper authorities if the assault took place outside their respective jurisdiction.
 - b. On-Campus Resources for reporting hate crime violations, the Office of Residence Life, and Campus Security can assist you in contacting the Sioux City Police Department.
 - c. Filing a report with the Sioux City Police Department does not obligate a student to follow through with legal action or action through the university.

4. Pursue both university and criminal charges

- a. The process outlined in Option #2 and Option #3 occurs at the same time.
- b. University proceedings and criminal investigations and adjudication of the incident occur independently.

Incidents of hate crimes may be reported either by the victim or by another person who shall serve as a liaison with the appropriate University personnel. The information given regarding incidents of hate crimes will be kept confidential to the fullest extent permitted by law and be handled with the student's privacy and discretion in mind.

Disciplinary Actions

Violations of the Hate Crime Policy will result in disciplinary action for any perpetrator who is found guilty of the offense under the university disciplinary procedures. The disciplinary action may include counseling to understand the impact of this behavior on others and may result in action including suspension. Any student perpetrator who is found by the university to be guilty of hate crimes may be suspended indefinitely from the institution.

Both the complainant and the respondent are entitled to the same opportunity to have others present during a conduct committee hearing as outlined in the Students' Rights, Freedoms, and Responsibilities Statement.

Both the complainant and respondent shall be informed of the outcomes of any campus disciplinary proceeding brought by alleging hate crimes.

The Room Transfer Policy in the [Student Handbook](#) states that the University has the right to change a student's room assignment for medical, disciplinary, or health reasons. As stated in the Students' Rights, Freedoms, and Responsibilities Statement, a student has the right to be present on campus and attend classes except for reasons relating to the student's physical well-being or for reasons relating to the safety of students, faculty, or staff, or University property.

All Briar Cliff students have the right to feel safe in their residence hall rooms, as it is their home. If a student feels unsafe in their residence hall room, the student should contact the Office of Residence Life to discuss options. Options may include a room transfer within their same residence hall, temporary housing arrangements, or moving to a different residence hall entirely. For more information, please contact the Office of Residence Life at 712-279-1715. On-Campus Resources can assist you in contacting Residence Life to explore housing options if you do not feel comfortable in doing so.

Briar Cliff University students also have the right to feel safe in attending their classes so that students can be successful academically. If you would like to discuss possible options for alternate academic arrangements.

Rights of the Complainant

- To be free from any suggestions or feeling obligated that the complainant MUST report the crimes.
- To be able to choose the level of involvement in the disciplinary proceedings against the respondent, including the right to be an advocate.
- To have any allegations of hate crimes treated seriously and without judgment.
- To be treated with dignity.
- To be free from any suggestions the complainant is responsible for the commission of crimes against her/him.
- To be free from any pressure personnel to:
 - Refrain from reporting policy violations
 - Report policy violations in the complainant does not wish to do so.
 - Report policy violations as lesser offenses.

Rights of the Respondent

- To be provided with a full and complete explanation of the charges.
- To be presumed innocent unless proven otherwise.
- To be provided with an explanation of the possible range of sanctions or punishments.
- To cross-examine witnesses and to testify on his/her own behalf.
- To remain silent during hearing proceedings.
- To present witnesses and documentary evidence, and an explanation or argument on his/her behalf.

False Reporting

Briar Cliff University will not tolerate intentional false reporting of hate crimes. It is a violation of university policy to make an intentionally false report of hate crimes, and it may also violate state criminal statutes and civil defamation laws.

Statement Regarding Non-Retaliation

The university is committed to protecting the rights of both the complainant and respondent in situations involving hate crimes. Retaliation against members of the university community who make good faith reports regarding potential university-related violations of laws, regulations, or policies is prohibited, and violators may be subjected to disciplinary action up to and including dismissal or expulsion.

SECURITY ALERTS

Briar Cliff University makes timely reports to the campus community regarding crimes reported to Campus Security and/or the Sioux City Police Department that are considered a threat to other students and employees. In the case of a major emergency or severe weather, alerts are posted via the Briar Cliff *Notification System (ReGroup)*, which will alert all students, faculty, and staff via a text message to their cell phone and an email to their university email account. They may also be posted in the residence halls. In the case of a major emergency, updates will be posted to the University website and messages will be sent out via the *Emergency Notification System*

(ReGroup). In the case of the campus being closed due to weather, a message will also be sent out using the *Emergency Notification System (ReGroup)* from the Academic Affairs Office. Crime and Security alerts will be issued via an e-mail sent out to all students, faculty, and staff alerting them of crimes that may put the campus at-risk for both shorthand long-term periods of time. Security Alerts are advisories reminding the campus community of crime trends, not necessarily in response to a specific crime.

TIMELY WARNINGS

In the event that a situation arises, either on or off campus, that in the judgment of the Director of Campus Security or its designee constitutes an ongoing or continuing threat, a campus wide “timely warning” will be issued without delay. Emergencies where issuing a notification would compromise efforts to assist a victim, contain the emergency, respond to the emergency, or mitigate the emergency are not subject to the emergency notification requirement.

Anyone with information that would warrant a timely warning should report the information to the Campus Security Office by phone at 712-898-1888 or in the Security Office in the Noonan Hall.

EMERGENCY NOTIFICATIONS

If there is a situation that poses an immediate threat to the campus and community, the The Emergency Notification System (ReGroup) will be used and will include a short message that the campus is in a lock down and that everyone should lock themselves in place. Further details will be sent out as warranted. If the situation warrants and there is information available, information may be posted to the campus website to inform the community and parents.

When the campus is in lockdown, everyone should lock themselves in their current location, turn off lights, radios, computers, and turn cell phones to silent or vibrate. It is encouraged to get yourself out of sight and try to hide and remain out of sight until it is safe to leave. It is encouraged if possible and are able to call and give information concerning the situation without putting yourself in danger to assist Campus Security and the Sioux City Police Department. When it is safe, an all-clear will be issued via the Emergency Notification System (ReGroup) or if you are asked to go with a member of the Sioux City Police Department when they are sweeping through a building.

EMERGENCY PROCEDURES

BRIAR CLIFF UNIVERSITY maintains an emergency response plan to guide it through a sensitive or dangerous situation. Examples are, but not limited to, fires, explosions, natural disasters, and violent crime events. When such an event is verified, the university community will be notified via the Emergency Notification System (ReGroup) and action will be taken immediately to isolate the affected area, remove those in the affected area, and stabilize the area pending arrival of emergency response organizations. An emergency will be declared and the University

Emergency Operations Center (EOC) will be established to resolve the situation and support any non-campus organizations called in to resolve the situation. When the EOC has determined the

emergency has ended and it is safe to return to campus or resume regular activities, notice will be sent out to the entire campus community. Depending on the duration of an emergency, information will be sent out to the campus alerting them of the status of the situation.

Process of alerting campus and surrounding area

1. Once a report is received the Director of Security or his designee will check its validity if possible.
2. If possible, the Director of Security or his designee will confer with the VP of Finance on the report.
3. If not possible, an alert will be sent out to the campus that a report has been received without any delay. If only a portion of campus is affected, that affected segment will be notified. If the report requires the entire campus to be notified, an alert will be sent to the entire campus.
4. Depending on the situation, the alert will include information on what to do such as locking in place, evacuate the area, shelter in place, and so on. This will be determined at the time of the report and the appropriate notification will be sent out.
5. Once the appropriate message is formed, the notification will be sent out to campus.
6. Information will be sent to the local media if it is deemed necessary to ensure the safety of those around campus.
7. Information will be sent to the local school district as an elementary school is next to campus to ensure they are in lock down if necessary.

TESTING OF EMERGENCY RESPONSE AND EVACUATION PROCEDURES

Evacuation drills are coordinated by Campus Security and Residence Life in all the residence halls and apartments three times a year. Students will learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. Campus Security and Residence Life does not notify residents in advance about the evacuation drills to mimic a real-life situation so they will treat it accordingly. Designated long-term locations are planned out depending on the location of the residence hall and any events that may be going on at that specified time. Campus Security and Residence Life will make the determination if a long-term location will be needed at the time of the incident and plan accordingly.

Email notifications are sent out concerning evacuation procedures concerning academic buildings. Faculty and staff are encouraged to communicate with their students and their respective offices on where they will meet if they do need to evacuate and what to expect.

The entire campus is notified of emergency procedures every semester via email and during hall meetings. All tornado shelters are clearly marked on campus and the list is communicated to the entire campus so they can prepare in the event they need to be used. The campus is notified of what to do during all types of emergencies and this information is also readily available online on the Campus Security website.

BRIAR CLIFF UNIVERSITY CRIME STATISTICS

Annual Disclosure of Crime Statistics

The Briar Cliff University Campus Security prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crimes Statistics Act (Clery Act) (20 USC § 1092). The full text of this report can be located on our website. This report was prepared in cooperation with the local law enforcement agencies surrounding our campus, the Department of Resident Life, the Judicial Officer, and Student Services. Each provides updated information on their educational efforts and programs to comply with the Act.

Campus crime, arrest and referral statistics include those reported to the Campus Security Office, designated campus officials, (including but not limited to directors, deans, department heads, resident life staff, advisors to students/student organizations, and athletic coaches), and local law enforcement agencies. Student Services and counseling staff inform their clients of the procedures to report crime to Campus Security on a voluntary or confidential basis, should they feel it is in the best interest of the client. A procedure is in place to anonymously capture crime statistics disclosed confidentially during a session.

Each year, an email notification is made to all enrolled students, faculty, and staff that provide access to this report. Copies of this report may also be obtained at the Campus Security Office located in Noonan Hall # G4 or by calling 712-898-1888. All prospective employees may obtain a copy from Human Resources located in the Business Office that is located on the first floor of Noonan Hall or by calling 712-279-1633.

The following criminal occurrences were reported to Campus Security or local law enforcement agencies. The statistics are presented in accordance with the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092). The definitions for these crimes are taken from the FBI's Uniform Crime Reporting Program, as modified by the Hate Crime Statistics Act. These statistics are drawn from Campus Security files, residence life records and campus security authorities (coaches, faculty, staff, etc.), local law enforcement as defined by the Clery Act.

Yearly Totals	2021	2022	2023
Criminal Offenses			
On Campus			
Murder / Non-negligent manslaughter	0	0	0
Sex offenses (including rape)	0	1	0
Non-forcible sex offenses	0	0	0
Stalking	0	0	0
Domestic Violence/Abuse	0	0	0
Dating Violence/Abuse	1	0	0
Robbery	0	0	0
Aggravated assault	0	0	0

Burglary	1	1	1
Motor vehicle theft	0	2	1
Arson	0	0	0
Negligent manslaughter	0	0	0
Simple assault	0	0	1
Damage to property	6	6	7

Residence Halls

Murder / Non-negligent manslaughter	0	0	0
Sex offenses (including rape)	0	0	0
Non-forcible sex offenses	0	0	0
Stalking	0	0	0
Domestic Violence/Abuse	0	0	0
Dating Violence/Abuse	1	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	1	1	2
Motor vehicle theft	0	0	0
Arson	0	0	0
Negligent manslaughter	0	0	0
Simple assault	1	1	1
Damage to property	1	4	0

Public Property

Murder / Non-negligent manslaughter	0	0	0
Sex offenses (including rape)	0	0	0
Non-forcible sex offenses	0	0	0
Stalking	0	0	0
Domestic Violence/Abuse	0	0	0
Dating Violence/Abuse	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	0	0
Arson	0	0	0
Negligent manslaughter	0	0	0

Hate Offenses

Briar Cliff University had no Hate Offenses reported in 2020, 2021 or 20220

Arrests/Referrals

On Campus	2021	2022	2023
Liquor law violations			
Arrests	0	0	0
Referrals	6	14	22
Drug law violations			
Arrests	0	0	0
Referrals	1	4	0
Illegal weapons possessions			
Arrests	0	0	0
Referrals	0	1	0
Residence Halls			
Liquor law violations			
Arrests	0	0	0
Referrals	6	14	22
Drug law violations			
Arrests	0	0	0
Referrals	1	4	0
Illegal weapons possessions			
Arrests	0	0	0
Referrals	0	1	0
Public Property			
Liquor law violations			
Arrests	0	0	0
Referrals	0	0	0
Drug law violations			
Arrests	0	0	0
Referrals	0	0	0
Illegal weapons possessions			
Arrests	0	0	0
Referrals	0	0	0

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-** is defined as any sexual act directed against another person, without consent of the victim including instances 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, nor 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 destroy willfully or maliciously, 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.

. Anyone may request to see the statistics at any time. A hard copy may be presented at a person's request. Prospective students and their parents may request to see or have a hard copy presented to them during their visits to campus. All students and employees have access to these records by visiting the Campus Security Office.

*Briar Cliff
University
2023 Fire
Report*

FIRE REPORT INTRODUCTION

Briar Cliff University takes precautions to prevent fires from occurring in all campus residence halls. The Residence Life Staff, Campus Security, and building maintenance and custodial staffs are all trained in how to use fire extinguishers, how to evacuate students and staff, and how to call Sioux City Fire Rescue yearly. All fire extinguishers are checked yearly by law and if one is noticed to be missing and/or used, it is immediately replaced or recharged for future use.

However, it takes precautions by everyone, including all students that are living in the residence halls to help prevent fires from happening at all. Students can take precautions such as not leaving laptop computers on beds or blankets, not using open flames (candles, matches, lighters) in the Residence Halls, and checking electrical cords to ensure that if they are torn, they are replaced.

ITEMS NOT PERMITTED IN THE RESIDENCE HALLS

The following are not permitted in the residence halls at any time:

- Open flames (candles, lighters, matches)
- Smoking
- Hot Plates in the room

EVACUATION PROCEDURES

Once the fire alarm is set off, Residence Life staff, security or maintenance will evacuate all those in the Residence Hall and move them to the safest place possible away from the building. Residence Life staff will go from room to room and enter the room and tell those in the room that they will need to evacuate immediately. Those students found not in compliance are fined for failure to evacuate. They will then proceed to the fire panel box to see where the alarm is located and go investigate the problem. Most of the residence halls are on an automatic call from our alarm company, Midwest Alarm, to call Sioux City Fire Rescue. Residence Life staff will at no time put themselves in danger to put out a fire. If they are unable to extinguish the fire with an extinguisher, they will evacuate and let Sioux City Fire Rescue know of the location and extent of the fire if one is present. Once Sioux City Fire Rescue gives the “all-clear” to Campus Security and/or Residence Life, students will be allowed to re-enter the Residence Hall and rooms. If there is an extended period of time that the students may be outside during inclement weather, they will be moved to another building until the situation is resolved. If there happens to be a fire and the building is not suitable for occupancy, temporary housing will be provided on campus in cooperation with University staff and the Siouxland Red Cross is warranted.

Reporting Fires

If a fire does occur on campus, students, faculty, and staff are to call 911 and Campus Security to notify them of the situation. Security staff also notifies the Director of Security when there are

alarms on campus and when Sioux City Fire Rescue is on scene. If there is a fire, the Director of Security will respond accordingly along with the Director of Facilities and Vice President for Student Development. When a fire occurs in the residence halls, the Director of Security will notify the Vice President of Business and Finance, Vice President of Student Development, Director of Marketing, and the President.

<i>Sioux City Fire & Rescue</i>	911
<i>Campus Security</i>	712-279-5430
<i>Director of Security</i>	712-898-1888

FIRE SAFETY AND EDUCATION

Every Campus Security Officer, Resident Assistant, and other staff members are trained in the use of fire extinguishers. They attend training at the beginning of the academic school year with the assistance of Sioux City Fire Rescue.

Each year, all students are informed of what to do during a fire alarm in the residence halls that they live in during mandatory hall meetings with the residence life staff. There are also fire drills done each semester and during the summer to help educate students and residence life staff about what to do in the event of a fire.

Each residence hall Residence Hall room also has evacuation plans posted in the room to notify them of the closest exit in the event of a fire. They are asked to look at them at the beginning of the year and become familiar with the exits and what to do in the event of a fire.

RESIDENCE HALL INFORMATION

Noonan Hall: Co-ed Residence Hall that houses up to 131 students. Noonan Hall has a North and South hallway that intersects with East and West hallway. There are 5 levels; the ground floor is the residence for campus security and talent search offices, the first floor is business offices and the office of the University President. The second, third, and fourth floors are all coed Residence Hall. It has a fire alarm system that is monitored by Midwest Alarm.

Baxter Hall: Co-ed Residence Hall that houses up to 96 students. There is a laundry room and a lounge on the ground floor. It has a fire alarm system that is monitored by Midwest Alarm.

Alverno Hall: Co-ed residential Residence Hall that houses up to 220 students. The ground floor houses campus offices, a door connecting to Toller Hall and access to the Stark Student Center. It has a fire alarm system that is monitored by Midwest Alarm.

Toller Hall: Co-ed Residence Hall that houses up to 132 students. The ground floor houses the athletic offices and has a lounge on each floor. It has a fire alarm system that is monitored by Midwest Alarm.

	Fire Monitoring Done by Midwest Alarm	Sprinkler System	Smoke Detection System	Fire Extinguishers	Evacuation Plans/Placards	Number of Fire Drills Each Year
Noonan Hall	X	N/A	X	X	X	3
Baxter Hall	X	X	X	X	X	3
Alverno Hall	X	N/A	X	X	X	3
Toller Hall	X	N/A	X	X	X	3

Fire Log

2023

	Total Fires in each building	Fire #	Date	Time	Cause	Number of Injuries requiring treatment	Number of deaths related to the fire	Value of Property damaged by fire
Noonan Hall	0	0	0	0	0	0	0	0
Baxter Hall	0	0	0	0	0	0	0	0
Alverno Hall	0	0	0	0	0	0	0	0
Toller Hall	0	0	0	0	0	0	0	0

2022

	Total Fires in each building	Fire #	Date	Time	Cause	Number of Injuries requiring treatment	Number of deaths related to the fire	Value of Property damaged by fire
Noonan Hall	0	0	0	0	0	0	0	0
Baxter Hall	0	0	0	0	0	0	0	0
Alverno Hall	0	0	0	0	0	0	0	0
Toller Hall	0	0	0	0	0	0	0	0

2021

	Total Fires in each building	Fire #	Date	Time	Cause	Number of Injuries requiring treatment	Number of deaths related to the fire	Value of Property damaged by fire
Noonan Hall	0	0	0	0.	0	0	0	0
Baxter Hall	0	0	0	0	0	0	0	0
Alverno Hall	0	0	0	0	0	0	0	0
Toller Hall	0	0	0	0	0	0	0	0