

2016 Annual Security and Fire Report for Calendar Year 2015

Briar Cliff University
Security Office

10/1/2016

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SECURITY REPORT INTRODUCTION

Briar Cliff University and the Sioux City community are relatively safe environments. Even so, we fully recognize the potential for crime and accidents. We are constantly taking proactive 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 families concerning coverage under their homeowner/renter policy and to purchase insurance if necessary.

Briar Cliff University 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, assistant director, a night security supervisor, 3 full time officers and up to 10 part-time officers. The Director reports to the Assistant Dean for Student Development and the Vice-President for Student Development. 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 Heelan Hall atrium, room #30. 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 the Heelan Hall Atrium. 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 clear and convincing 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 assure 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 Heelan Hall atrium. 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 the Dean of the University, Vice President for Student Development, area coordinators, RAs, coaches and faculty. All names are kept confidential and not included in daily logs in an effort 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 Siouxland 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 or Assistant Director of Campus Security, Dean's Office, Campus Chaplain, 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 possibly 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 with regard to 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 crimes 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 talked to 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.

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

When time is of an essence, information may be sent via the Briar Cliff University Electronic Notification System, 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 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 STUDENT POLICY

If a member of the Briar Cliff University community has reason to believe that a student is missing, all possible efforts are made to locate the student to determine his or her state of health and well-being through collaboration of Campus Security, the Student Development department, and the missing student's family and friends. Any person or department receiving a missing student report must refer that report immediately to Campus Security. Students' confidential contact information will be accessible only to authorized campus officials and may not be disclosed except to law enforcement personnel in furtherance of a missing person investigation.

If a student is under 18 and not emancipated, the University must notify a custodial parent or guardian within 24 hours of the determination that a student is missing.

Change the Procedures section to include the statement that Campus Security *must* be contacted about any missing student report and that law enforcement must be contacted in all cases where a student has been missing for 24 hours.

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 Student Services or Campus Security. Depending on the circumstances presented to University 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 Student Development (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 all any other numbers on record.
 - f. Send the student an email.
 - g. Check all possible 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 Student Development 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 (ENS) to the campus alerting the campus of 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 that 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 permission from the Student Development 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 the opposite 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 1 a.m., Sunday-Thursday. There are no limits to visitation on 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 for Student Development.

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 strictly 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 Sioux land 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.

Programs that were done during the year for Alcohol and Drug abuse education:

During orientation a speaker spoke on alcohol and other University topics.

During wellness week, had an improv group do a show based on alcohol education

Did an alcohol education carnival through residence life.

Educational event about alcohol where mock tails were made and had some people sneaking “roofies” (skittles) into drinks, and led a discussion about alcohol and sexual assault

Drunk driver simulation with Sioux City Police Dept.

POLICY ON SEXUAL VIOLENCE AND SEXUAL HARASSMENT

1. Introduction

In accordance with Title IX of the Education Amendments of 1972 and state civil rights law, Briar Cliff University does not discriminate on the basis of sex in its education programs and activities. Discrimination on the basis of sex can include sexual harassment or sexual violence. Briar Cliff University pledges to maintain an environment that promotes the development of healthy relationships and respect for individuals.

The University prohibits sexual violence and sexual harassment in any form, (including sexual assault, sexual misconduct, dating and domestic violence and stalking). Sexual violence and sexual harassment are often misunderstood and under-reported. It is important that individuals understand these issues so they can avoid committing or being victims of such behavior.

If sexual violence or harassment occurs, it should be reported so the University can take prompt and appropriate action to investigate. The University has a duty to attempt to end sexual violence and harassment, prevent its recurrence, and address its effects.

The University has appointed a Title IX Coordinator, Louise Paskey, Vice President for Student Development, who can be reached at (712) 279-5494; Student Development Office, Stark Student Center, louise.paskey@briarcliff.edu.

Any questions about an individual's rights under Title IX, (the federal law that prohibits discrimination on the basis of sex in education programs and activities) can be directed to Louise Paskey, Title IX Coordinator, or the Office of Civil Rights for the Department of Education.

2. Definitions

Coercion: unreasonable pressure for sexual activity.

- **NOTE:** Coercing someone into sexual activity is comparable to physically forcing someone into a sexual activity.
- Coercive behavior differs from seductive behavior based on the type of pressure someone uses to obtain consent from another.
- When someone makes clear that he/she does not want to engage in sex or a sexual activity, that he/she wants to stop, or that he/she does not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Complainant: the individual who has experienced an alleged instance of sexual misconduct.

Consent: the mutual, deliberate and voluntary agreement to engage in sexual activity. Consent is a clear **YES** to the sexual act. Consent is an ongoing process and must be obtained for each level of sexual contact. Even if a victim does not resist or if the victim knows the offender, the law does not presume consent.

- **NOTE:** In order to give effective consent, one must be of legal age; in most circumstances, 16 is the legal age for consent in Iowa.
- Under Iowa law, the following persons are considered unable to give consent:
 - A child;
 - A victim who is procured by threats of violence;
 - A victim who is under the influence of a drug inducing sleep or is otherwise in a state of unconsciousness
 - A victim who lacks the mental capacity to know right from wrong concerning sexual matters or is suffering from any type of mental or physical incapacity or disability that precludes consent;
 - A victim who is incapacitated (further defined below)
- Consent cannot be gained by force, coercion, by ignoring or acting without regard to the objections of another, or by taking advantage of the incapacitation of another, where the respondent knows or should have reasonably known of such incapacitation.
- Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
- Silence, in and of itself, cannot be interpreted as consent.
 - Previous relationships or prior consent cannot imply consent to future sexual acts.

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

- The existence of such a relationship shall be determined by the victim with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship;
- For the purpose of this definition,
 - Dating violence includes sexual or physical abuse or the threat of such abuse;

Domestic Violence: a felony or misdemeanor crime of violence between:

- family or household members who resided together at the time of the assault;
- separated spouses or persons divorced from each other and not residing together at the time of the assault;
- persons who are parents of the same minor child, regardless of whether they have been married or have lived together at any time;
- persons who have been family or household members residing together within the past year and are not residing together at the time of the assault;
- persons who are in an intimate relationship or have been in an intimate relationship and have had contact within the past year of the assault. In determining whether persons are or have been in an intimate relationship, the following factors may be considered:
 - The duration of the relationship;
 - The frequency of interaction;
 - Whether the relationship has been terminated;
 - The nature of the relationship, characterized by either party's expectation of sexual or romantic involvement.

Force: the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that overcome resistance or produce consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.

- **NOTE:** There is no requirement that a person resists a sexual advance or request, but resistance is a clear demonstration of non-consent.
- The use of force is not “worse” than the subjective experience of violation of someone who has experienced sexual contact or intercourse without consent.
- The use of physical force constitutes a stand-alone, non-sexual misconduct offense as well, and it is the University’s expectation that those who use physical force (e.g. assault, restricting movement or activity, battery, etc.) would face not just the sexual misconduct charge but also charges under the University Regulations for the additional assaultive behavior.

Incapacitation: a state in which someone cannot make rational, reasonable decisions because she/he lacks the capacity to give knowing consent (i.e., to understand the “who, what, when, where, why, or how” of his/her sexual interaction).

- **NOTE:** Sexual activity with someone who one should know to be—or based on the circumstances should reasonably have known to be—mentally or physically incapacitated (by alcohol or other drug use, unconsciousness, or blackout) is prohibited. The question of incapacitation is determined on a case-by-case basis that will include an analysis of whether

the respondent knew, or a sober, reasonable person in the position of the respondent should have known, that the complainant was incapacitated.

- This policy also covers a person whose incapacity results from mental disability, sleep, involuntary physical restraint, or the ingestion of substances or drugs that result in incapacitation.
- When alcohol or other drugs are being used, a person will be considered to be incapacitated and unable to give effective consent if he/she cannot fully understand the details of a sexual interaction (i.e., who, what, when, where, why, or how) because he/she lacks the capacity to reasonably understand the situation.
- Consumption of alcohol or drugs alone is insufficient to establish incapacitation.
- Possession, use, and/or distribution of any substances such as Rohypnol, Ketamine, GHB, Burundanga is prohibited, and administering one of these drugs to another person is a violation of this policy. More information on these drugs can be found at <http://www.911rape.org>.

Respondent: an individual who has been accused of sexual misconduct.

Retaliatory Harassment: intentional action taken by an individual or allied third party that harms an individual and is done as reprisal for filing a complaint or for participating in an investigation or complaint proceeding.

Sexual Abuse: any sex act between persons performed under any of the following circumstances: a) the act is done by force or against the will of the other. If the consent or acquiescence of the other is procured by threats of violence toward any person or if the act is done while the other is under the influence of a drug inducing sleep, or is otherwise in a state of unconsciousness, the act is done against the will of the other; b) the other person is suffering from a mental defect or incapacity which precludes consent, or lacks the mental capacity to know the right and wrong of conduct in sexual matters; c) the other person is a child. (Iowa Code Section 709.1).

Sexual Assault: any offense that meets the federal or state definitions of that term, including rape, sodomy, sexual assault with an object, fondling, incest, or statutory rape Iowa law broadly defines “sex act” to include intercourse, oral or anal sex, or any contact between the genitals, hands, or fingers of one person and the genitals or anus of another. Violent sexual conduct may also be prosecuted as an assault (an act intended to cause pain, injury, or offensive physical contact, or place another in fear of pain or injury); for example, using any object to sexually penetrate another.

Sexual Harassment: unwelcome gender-based statements, gestures, or physical contacts which are so frequent or severe that it creates a hostile or offensive work environment, or interferes with a student’s ability to participate in or benefit from the university’s educational program or activities. Sexual harassment may be against a person of the opposite or same gender.

Examples of sexual harassment:

- Demanding or soliciting sexual favors accompanied by implied or overt threats;
- Creating an offensive interpersonal environment;
- Comments or jokes referencing sex or sexual orientation;
- Unnecessary touching or leering at another’s body; and,
- Sexist remarks about clothing, body, or sexual activities.

Sexual Violence: includes sexual assault, sexual harassment, sexual exploitation, and sexual intimidation and can be committed by men or women. It can occur between people of the same or different sex. It may include any touching or fondling of the victim's genitals, breasts, thighs or buttocks directly or through the clothing without the victim's consent. In addition to being forbidden by this policy, such conduct may be a violation of state criminal law and of other University policies.

Stalking: a course of conduct directed at a specific person that would cause a reasonable person to feel fear or suffer substantial emotional distress. Examples of prohibited stalking can include but are not limited to (a) non-consensual communication including in-person communication, telephone calls, voice messages, text messages, email messages, and other social networking communications, letters, gifts, or any other communications that are undesired and/or place another person in fear; (b) Following, pursuing, waiting, or showing up uninvited at a workplace, place of residence, classroom, or other locations frequented by the victim.

3. Policy Statement

Members of the Briar Cliff University community, guests, and visitors have the right to be free from sexual violence and sexual harassment. Briar Cliff University believes in a zero-tolerance policy for gender-based misconduct, including sexual harassment, sexual violence, domestic or dating violence, and stalking and the University is committed to fostering a community that promotes the prompt reporting of sexual misconduct and timely and fair resolution of sexual misconduct complaints. As a result, Briar Cliff University issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct, related educational (Online educational training for students and employees, Resident Assistant, PAL and Academic Peer Mentor training, Sexual Violence Awareness Week, New Student Orientation Programs) programs, and procedures for addressing sexual assault, sexual harassment, domestic violence, dating violence, and stalking, whether an incident occurs on or off campus and when it is reported to a University official.

- Our ongoing prevention and awareness programs as described in this policy include training on safe and positive options for bystander intervention; information on risk reduction; and information on the institution's policies and procedures after a sex offense occurs.
- The University will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community.
- The University will provide written notification to victims about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures. The institution must make such accommodations or provide such protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

Briar Cliff University reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the university community.

Briar Cliff University believes that in order for individuals to engage in sexual activity of any type with each other, there must be clear, knowing, and voluntary consent prior to and during sexual activity. This policy has been developed to reaffirm these principles, to educate our community on issues pertaining to sexual violence, and to provide a procedure for investigating and addressing violations of this policy.

4. Scope

This policy applies to all members of the University community and its guests. Its scope is inclusive of, but is not limited to, any individuals regularly or temporarily employed, studying, living, visiting, or with an official capacity at Briar Cliff University (i.e.: volunteers and contractors).

This policy applies to any allegation against a Briar Cliff University community member (staff, administrator, faculty or student) that affects the Briar Cliff University campus environment and which is construed as sexual harassment, sexual misconduct and/or sexual violence regardless of geographical location of the alleged incident.

5. Reporting Sexual Violence

5.1. Reporting to Law Enforcement

The University encourages victims of all crimes, including sexual violence (which includes date/acquaintance rape) to report such actions to the local police department. The Campus Security Office (Heelan Hall, Rm. G-30) 712-898-1888, will assist students in making such reports if they so choose. Judicial no-contact orders or restraining orders may be available through the legal system.

5.2. In the Event of Sexual Assault

Go to a safe place. Call 911, 1- 800-982-SAFE (7233) or the Rape Crisis Center (712-258-7233).

- Tell the first person you see what happened. This account could corroborate your testimony if you decide to report or prosecute.
- Seek medical attention at an emergency room at Unity Point St. Luke's for access to a Sexual Assault Nurse Examiner (SANE) 712-279-3500 or Mercy Medical Center 712.279.2010. Request tests for pregnancy and sexually transmitted diseases.
- Do not shower, bathe, or douche. Preserve physical evidence, such as clothing. Resist the urge to change clothes or clean up the area until medical and legal evidence is collected.
- Request a urine test as quickly as possible to detect the presence of sedating substances.

5.3. Preservation of Evidence

Evidence should be preserved, even in cases involving non-violent conduct. Such evidence may include documentation, emails, photos and the like.

5.4. Confidential Reporting/ Support

There are people on campus that victims 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 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: Jenny Tobin
- Director of Health Services: Jo Morgan
- Director of Campus Ministry: Sister Janet May

5.5. Responsible Employees

Any University faculty, administrator, and staff - including Resident Assistants (RAs), Peer Assistant Leaders (PALs), and Academic Peer Mentors who takes such a report or who is aware of sex- based harassment, including sexual assault and relationship violence, is required to report the information to one of the reporting Contacts specifically listed below. (This does not apply to those employees identified as Confidential Support Contacts).

5.5.1. Reporting to University Officials

Affected individuals or witnesses should immediately report any incidents of Sexual Violence or Harassment to an appropriate University staff member. Any of the following persons may be contacted:

- Title IX Coordinator/Vice President for Student Development: Louise Paskey, 712.279.5494
- Deputy Title IX Coordinator/Director of Human Resources: Beau Sudtelgte, 712.279.1633
- Deputy Title IX Coordinator/Assistant Dean of Students: Dave Arens, 712.279.1715
- Director of Campus Security: 712.898.1888

Upon receipt of such a report, the University contact will assist the victim in getting to a safe place and may seek the assistance of Campus Security. Additionally, the University contact will encourage the victim to seek prompt medical attention for treatment of injuries and preservation of evidence, discuss the reasons why prompt medical treatment is important, and arrange for transportation to the hospital if the victim agrees to such medical treatment. The University contact will notify the Title IX Coordinator and other responsible University officials of the report taking into consideration the victim's desire for confidentiality. The Title IX Coordinator will inform Campus Security of the alleged crime and unless the individual requests confidentiality, will provide the name of the reporting party. The victim will have the option to file a criminal report. Campus Security will offer to provide assistance if the student elects to contact the police. Campus Security may contact law enforcement independently where circumstances warrant, such as where there may be a danger to the campus or the community.

Declining to speak with Campus Security or the police at the time of the initial report does not preclude the student from filing a criminal report at a later date. The University contact or Title IX Coordinator will offer and coordinate counseling and other support services for the student. The student shall also receive written information regarding their rights under this policy to file a complaint and initiate the University's complaint process. Even if a formal complaint is not filed or the individual requests confidentiality, the University must promptly investigate the report and take appropriate steps under the circumstances.

6. Interim Measures

Upon receipt of a report, the Title IX Coordinator will seek a meeting with the complainant to discuss internal and external support services, and other interim measures such as options regarding changes in academic or work schedules, living arrangements, transportation, or a campus no-contact order or interim suspension of the perpetrator. These options, if requested and reasonably available, will be made available regardless of whether the individual proceeds with a formal complaint under University policy or a criminal report to the police. Failure to adhere to any of the interim measures taken during an investigation is a violation of policy and may lead to independent disciplinary action(s).

7. Investigation

Upon receipt of a report, the University will initiate a prompt and equitable investigation and will work with both parties (the complainant and respondent) to assign a designated support person throughout the investigation process. Either party may refuse the assistance of a support person, but the offer will be made.

The filing of a complaint under this policy is independent of any external criminal investigation or court proceeding, and the University will not necessarily wait for the conclusion of any such investigation or proceeding to commence its own investigation and to take immediate steps to ensure the safety and well-being of members of the University community.

Role of Title IX Coordinator

The Title IX Coordinator will remain a neutral administrator in the investigation and any disciplinary process involving sexual misconduct allegations. The Title IX Coordinator will work with all involved parties, and will be responsible for directing compliance with this Policy. The Title IX Coordinator will not ultimately determine if a policy violation occurred. The Title IX Coordinator will:

- Maintain Title IX investigative/hearing records.
- Guide the process and involve only people with a legitimate need to know.
- Assess the University's responsibility to issue timely warnings in accordance with the Clery Act for reported incidents that may pose a threat to members of the University community.

University Investigation is Independent of Law Enforcement Investigation

In cases of reported sexual violence or misconduct, the University will continue its internal investigation regardless of whether or not the complainant files a criminal complaint and/or wants the school to take action. If the University knows about a possible sexual harassment or sexual violence incident, it will promptly investigate the allegations to determine what occurred and to decide if further action is necessary.

Requests for Confidentiality/Impact on University's Investigation

In instances where a complainant requests confidentiality, it may limit the University's ability to respond. Depending upon the circumstances, the University may not be able to ensure confidentiality because of its obligation to provide a safe and non-discriminatory environment for all students. Factors that may impact the request include the seriousness of the alleged conduct, whether there have been other complaints about the same perpetrator, and the alleged perpetrator's rights to receive information maintained in education records relevant to the accusation.

8. University Complaint Procedure

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

8.1 Informal Resolution: Seeking Mediation (Not applicable for sexual violence complaints)

- 8.1.1** Informal resolution procedures are intended to allow the complainant and the respondent to provide detailed information about the alleged incident(s) of discrimination or harassment and reach a mutually agreeable resolution. The mediation process aims to assure fairness, to facilitate communication, and to maintain an equitable balance of power between the parties.
- 8.1.2** With consent of both the complainant and the respondent, the Office of Human Resources (if the complaint involves only faculty, staff, or administration) or the Student Development Office (if a student is involved) will appoint a mediator. The mediator is not an advocate for either the complainant or the respondent. The role of the mediator is to aid in the resolution of problems in a non-adversarial manner.
- 8.1.3** The informal resolution process ends when a resolution has been reached or when the complainant or the respondent has terminated the process. At any time during

the mediation process, the complainant and the respondent are free to withdraw from the process.

- 8.1.4** The mediator shall notify the Human Resources Director or the Vice President for Student Development of the result of the mediation process. If the dispute is not resolved through mediation, the Human Resources Director or the Vice President for Student Development shall immediately inform all affected parties and discuss with the complainant other alternatives for achieving resolution. The complainant may file a formal complaint at that time or withdraw the informal complaint. The informal resolution process, if unsuccessful, will not prejudice the rights of the parties involved

8.2 Formal Complaint Process

A formal complaint process may be initiated in person or in writing. For all faculty, staff, and administration complainants this process is handled by meeting with the Deputy Title IX Coordinator/Human Resources Director or Title IX Coordinator. For all student complainants this process is handled by meeting with the Title IX Coordinator or a Deputy Coordinator/Assistant Dean of Students.

- 8.2.1** A formal complaint must identify and include the following information, if known:

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

8.3 Preliminary Review of Complaint and Notice of Receipt

- 8.3.1** Upon receipt of a complaint, the Title IX Coordinator/Designee will review the complaint for appropriateness. Title IX Coordinator/Designee will provide the complainant with written notice of receipt of the complaint within 5 working days, and will provide the complainant with written information of the University's complaint procedures.
- 8.3.2** Formal complaint requires that the respondent be advised of the allegations and the source of the complaint by the Title IX Coordinator/Designee. Title IX Coordinator/Designee, as appropriate, will provide the respondent with a copy of the formal complaint (by hand delivery or certified mail) within 5 working days of receipt of

the complaint, and will advise the respondent of the University complaint policy and procedures.

- 8.3.3 Title IX Coordinator/Designee, as appropriate, shall discuss with the complainant whether or not the alleged incidents of discrimination, harassment, gender-based misconduct and/or sexual misconduct if proven, would constitute a violation of the University's policy, and whether or not it is appropriate to convene a Hearing Panel.
- 8.3.4 The Hearing Panel membership shall consist of three trained faculty/administrators representatives appointed by Title IX Coordinator, one of whom will be appointed as Chair.
- 8.3.5 The Title IX Coordinator will appoint a designee to serve as a University Representative to attend the Hearing as a non-voting member. The University Representative will facilitate the preparation of the hearing and presentation by the Investigator(s) of the case to the Hearing Panel.

8.4 Hearing Procedures

- 8.4.1 The complainant and respondent are entitled to the same rights including, to appear in person, hear all information presented, present any relevant information, have a support person present, call witnesses, or make a statement to the Hearing Panel. In appropriate cases, the complainant and respondent will be in separate hearing rooms.
- 8.4.2 A witness must be a person who has firsthand knowledge of the event or actions in question.
- 8.4.3 The complainant/respondent must submit in writing the names of any witnesses that he/she wishes to give testimony. The list of witnesses must be submitted to Deputy Title IX Coordinator at least 24 hours prior to the scheduled hearing.
- 8.4.4 Prior to the hearing, both the complainant and the respondent will be given notice of the date, time and place of the hearing; the names of the Hearing Panel members (and opportunity to raise any conflict of interest concerns); their right to have a support person of their choice attend the hearing; their right to present witness testimony and other evidence; and their right to submit written statements to the Hearing Panel detailing the charges or any defense.
- 8.4.5 A support person can be anyone the respondent and/or the complainant wishes to fulfill that role, with the exception of any individual participating in the hearing or called upon to serve as a witness for either party. The role of the support person will be to consult with the individual he/she is there to support at reasonable intervals during the course of the conference. The support person generally may not address the Hearing Panel or other persons at the hearing. She/he may only address the chair of the Hearing Panel and only with explicit approval in an exceptional circumstance by the chair of the Hearing Panel. The parties may

choose an attorney for their support person at their own expense; however, an attorney will be subject to the same rules as other support persons.

- 8.4.6 If the respondent/complainant elects not to appear at the hearing, the hearing shall be conducted in his/her absence.
- 8.4.7 If the respondent/complainant refuses to answer any questions or make a statement, the Hearing Panel will proceed to make its decision on the basis of information available to it at the time of the hearing.
- 8.4.8 All hearings shall be conducted in a confidential setting. All statements, information, or comments given during the hearing will be kept confidential by the complainant, the respondent, the Hearing Panel, the University personnel, and witnesses and advisors before, during and after deliberation. The University will comply with any legal obligations that require the disclosure of information.
- 8.4.9 The Panel will formulate specific procedures to deal with the orderly presentation of information and witnesses as well as any other matters as appropriate to the conduct of the hearing.
- 8.4.10 The proceedings shall be preserved by means of written and audio records.

9. Possible University Sanctions

The University's primary concern is safety for members of our community. Students are encouraged to report suspected violations of this policy to promote the health and welfare of our community. In general, a student reporting an incident or complaint under this policy will be given amnesty for potential code violations (e.g. alcohol or drug use) that are related to the reported incident.

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 option of 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 community and/or when requested by complainant.

10. Standard of Proof/Evidence of Prior Sexual History

According to Title IX requirements, Briar Cliff University will apply a preponderance of the evidence standard. A preponderance of evidence is described as enough evidence to make it more likely than not that the accused has violated this Policy. In general, information about a person's prior sexual behavior or history will not be considered to determine whether a violation has occurred. However, information regarding a prior intimate or sexual relationship between the parties involved in the hearing may be considered relevant depending upon the issues presented.

11. Time Frame

Upon receiving a report, Briar Cliff University will respond promptly and equitably. Both parties will be given periodic status updates during the process and both the complainant and the respondent will be given notice of the outcome and an opportunity to file an appeal, if applicable. Absent unusual circumstances, sexual misconduct investigations as well as hearings will be completed within 60 calendar days following receipt of the complaint.

12. Notice of Outcome

The parties will be concurrently notified, in writing, about the outcome of the investigation/hearing. In a hearing involving sexual violence allegations both parties will be notified of the final determination and of any sanctions imposed on the perpetrator. In all other types of hearings, the complainant will only be notified as to whether the alleged conduct was found to have occurred, and any individual remedies offered or provided to the complainant or any sanctions imposed on the respondent that *directly relate* to the complainant as well as any other steps the University has or will take, for example, to eliminate a hostile environment.

13. Appeals

Either party may elect to appeal the decision and/or sanction rendered by the Hearing Panel. Both parties will be informed of any appeal, the status of the appeal and the outcome. Appeals may be filed only on grounds of previously unavailable new evidence or procedural error that has a material impact on the outcome, or where there is substantial evidence that the sanction imposed is disproportionate to the findings of facts established during the hearing process. Disagreement with the finding or sanctions is not, by itself, grounds for appeal. An appeal of a disciplinary outcome must be made, in writing, to the Title IX Coordinator within five business days after the decision has been made. Failure to file a timely appeal to the Title IX Coordinator/Designee constitutes waiver to file an appeal.

If the appeal is based on approved ground(s) for appeal and has been timely filed, the Title IX Coordinator will name an Appeal Panel to review the written appeal. The Appeal Panel will be composed of three trained designees that were not involved in the original decision.

After receiving an appeal and reviewing the hearing record and any allowable new evidence, the Appeal Panel may elect to: affirm the finding and sanction, affirm the finding and change the sanction, or reverse the finding. The decision of the Appeal Panel is final and will be communicated in writing to both parties as well as appropriate University officials.

14. Complaint Falsification

The University recognizes the right of all parties involved in a complaint to a fair framework for encouraging resolution of complaints. Falsification, malicious accusations, distortion, or misrepresentation of information during the course of a complaint process may be grounds for disciplinary action.

15. No Retaliation

Any attempt by an employee or student to penalize, threaten, coerce, intimidate, discriminate, or retaliate in any way against a person who makes a report of, or who is otherwise involved in, a report or proceeding under this policy is completely prohibited and will not be tolerated. If you believe that you have been a victim of retaliation during an investigation, please contact the Title IX Coordinator.

16. Public Recordkeeping

The University will take steps to maintain confidentiality of persons reporting incidents of sexual misconduct and relationship violence in records that are required to be available for public inspection by using alternative means of identification and not including personally identifiable information in the annual campus security report, campus crime log, and emergency warning notices under the Clery Act.

17. Resources

For additional on and off campus resources visit:

<http://www.briarcliff.edu/legal-and-consumer/sexual-abuse-and-assault/>

August 25, 2015	New Policy	Legal Reviewed and Approved
September 28, 2015	Updated Director of Counseling Services	

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 Student Development within 48 hours of the event that caused the employee to believe that a child has been subject to abuse.
 - a. The report shall include the following information, to the extent that it is known by the employee:
 - 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 discipline 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 do so anyone so that information about the incident is documented while it 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 obligate 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 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 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 can 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 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 712-274-5335. Offices as 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 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*, 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, the Olsen Student Center. In some instances, the alerts will be. In the case of a major emergency, updates will be posted to the University website and messages will be sent out via the *Electronic Notification System*. In the case of the campus being closed due to weather, a message will also be sent out using the *Electronic Notification System* 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 his 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 aren't 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 Heelan Hall.

EMERGENCY NOTIFICATIONS

If there is a situation that poses an immediate threat to the campus and community, the

Emergency Notification System 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 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 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 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 had 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 Student Development 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 it 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 Student Development in all the residence halls and apartments four 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 Student Development 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 Student Development 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 is 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 Heelan Hall room #30 or by calling 712-898-1888. All prospective employees may

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

On Campus

Murder / Non-negligent manslaughter	0	0	0
Aggravated assault	0	0	0
All sex offenses, including rape	0	0	0
Stalking	0	0	0
Domestic Violence/Abuse	0	0	0
Dating Violence/Abuse	0	0	0
Arson	0	0	0
Robbery	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	0	0
Larceny theft	0	0	0
Negligent manslaughter	0	0	0
Simple Assault	0	0	0
Intimidations	0	0	0
Damage to Property	0	0	0

Residence Halls

Murder/Non-negligent manslaughter	0	0	0
Aggravated assault	0	0	0

All forcible sex offenses, including forcible rape	0	0	0
Arson	0	0	0
Robbery	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	0	0
Larceny theft	0	0	0
Domestic Violence/Abuse	0	0	0
Dating Violence/Abuse	0	0	0
Stalking	0	0	0
Negligent manslaughter	0	0	0
Simple Assault	0	0	0
Intimidations	0	0	0
Damage to property	0	0	0

Public Property

Murder/Non-negligent manslaughter	0	0	0
Aggravated assault	0	0	0
All forcible sex offenses, including forcible rape	0	0	0
Arson	0	0	0
Robbery	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	0	0
Larceny theft	0	0	0
Domestic Violence/Abuse	0	0	0
Dating Violence/Abuse	0	0	0
Stalking	0	0	0
Negligent manslaughter	0	0	0
Simple Assault	0	0	0
Intimidations	0	0	0
Damage to property	0	0	0

Arrests/Referrals

- **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 willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or person having custody or control of it.

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

Drug abuse violations are defined as the violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, transportation, or importation of any controlled drug or narcotic. Arrests for the violations of

state and local laws, specifically those relating to the unlawful possession, sale, growing, manufacturing, and making narcotic drugs.

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

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 stopping at the Campus Security Office.

Briar Cliff University 2015 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 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 and/or the Assistant 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 and/or Assistant Director of Security will notify the Vice President of Business and Finance, Vice President of Student Services, and Marketing, Dean of Students, and Dean of the University, and the President.

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

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 to help educate students and residence life staff of 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 hall way that intersects with and East and West hall. There are 5 levels; the ground floor is the residence for campus faculty and business 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 Student Development offices, aerobic room, and 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 campus wrestling room 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

2015

	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
Baxter Hall	0	0				0	0	0

Alverno Hall	0	0				0	0	0
Toller Hall	0	0				0	0	0

2014

	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	1	0	12/30	5 PM	grease	0	0	\$0
Baxter Hall	0	0				0	0	0
Alverno Hall	0	0				0	0	0
Toller Hall	0	0				0	0	0

2013

	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

