
From: Doyle, Sheila [BOARD] [sdoyle@iastate.edu]
Sent: Friday, December 05, 2008 3:10 PM
To: Smith, Dianne [BOARD]
Subject: FW: Final Draft Sexual Assault Policies
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From: Doyle, Sheila [BOARD]
Sent: Friday, December 05, 2008 2:55 PM
To: Bonnie Campbell (campbell.law@mchsi.com); craiglangbor@ifbf.org; David Miles (miles.david.w@gmail.com); Downer, Robert; Gartner, Michael; Harkin, Ruth; Jack Evans (jackevans@hallperrine.org); Johnson, Greta A; Rose Vasquez (Rav118@mchsi.com)
Cc: Baumert, Andy [GOV R]; Berg, Brad [BOARD]; Brunson, Marcia R [BOARD]; Clayton, Aimee [BOARD]; Cook, Timothy B [BOARD]; Donley, Robert [BOARD]; Evans, Thomas A [BOARD]; Gonzalez, Diana [BOARD]; Murphy, Joseph D [BOARD]; Racki, Joan [BOARD]; Saunders, Keith [BOARD]; Sayre, Patrice [BOARD]
Subject: Final Draft Sexual Assault Policies
Importance: High

Attached for discussion at the December 11 Board meeting are the final drafts of the sexual assault policies for the Regent institutions. We will be revising the order of Thursday's agenda items so that the sexual assault policies will be the first item of business.

We will be distributing these policies to the media and institutions shortly, and we will post the policies to our web site later this afternoon.

Please let me know if you have any difficulties opening the attachments. Thank you.

University of Iowa

<<Submitted Draft 12-5-07 U of I Sexual_Assault_Policy.doc>>

Iowa State University

<<2008-12-05.Draft Policy.pdf>>

University of Northern Iowa

<<Sexual Misconduct Policy-Draft 12.5.08.doc>>

Iowa School for the Deaf and Iowa Braille and Sight Saving School

<<Special Schools Sexual Misconduct Policy.doc>>

Students Who May Be Victims of Sexual Misconduct

If you or someone you know may be a victim of sexual assault, sexual harassment, or any other behaviors prohibited under this policy, you are strongly encouraged to seek immediate assistance. Assistance can be obtained 24 hours a day, 7 days a week from:

- Rape Victim Advocacy Program (335-6000)(certified victim advocacy services)
- Emergency Treatment Center at the University of Iowa Hospitals and Clinics (356-2233)(medical services)
- UI Department of Public Safety (335-5022 or 911 from any campus phone)(law enforcement services)

During business hours, you may also seek assistance from the UI Sexual Misconduct Response Coordinator (335-6200).

Sexual Misconduct Involving Students, Including Sexual Assault and Sexual Harassment

Introduction

General Statement of Policy

Definition of Sexual Misconduct, Including Sexual Assault and Sexual Harassment

Examples of Sexual Misconduct

Sexual Assault

Sexual Harassment

Sexual Exploitation

Sexual Intimidation

Resources and Support for Students

Confidential assistance and advocacy

Academic and Housing Accommodations; Interim Actions to Protect Students

Protection against retaliation

Medical Assistance

Law Enforcement, including the University of Iowa Department of Public Safety

Making a Formal Complaint of Sexual Misconduct

How to make a formal complaint to university administration

Making a report or a formal complaint to law enforcement

Scope of Policy: On-Campus and Off-Campus

Resources and Support for Students Accused of Sexual Misconduct

28 INTRODUCTION

29 The University of Iowa strives to create a respectful, safe, and non-threatening
30 environment for its students, faculty and staff. This sexual misconduct policy sets forth
31 resources available to students, describes prohibited conduct, and establishes procedures
32 for responding to sexual misconduct incidents (including sexual assault, sexual
33 harassment, and other unwelcome sexual behavior).

34 **A student who is under the influence of alcohol or drugs at the time of a sexual**
35 **misconduct incident should not be reluctant to seek assistance for that reason.** The
36 Dean of Students will not pursue disciplinary violations against a student (or against a
37 witness) for his or her improper use of alcohol or drugs (e.g. underage drinking) if the
38 student is making a good faith report of sexual misconduct. In addition, the law
39 enforcement authorities in Johnson County have a policy of not pursuing charges for
40 improper use of alcohol against a victim of sexual assault.

41 GENERAL STATEMENT OF POLICY

42 The University of Iowa prohibits sexual misconduct in any form, including sexual assault
43 or sexual abuse, sexual harassment, and any form of nonconsensual sexual conduct.
44 Students should be able to live, study, and work in an environment free from all forms of
45 sexual misconduct.

46 Any act that falls within the definition of sexual misconduct constitutes a violation of
47 university policy. The university is committed to fostering a campus environment that
48 both promotes and expedites prompt reporting of sexual misconduct and timely and fair
49 adjudication of sexual misconduct cases. The university's procedures are designed to
50 protect the rights, needs and privacy of the student filing a university complaint, as well
51 as the rights of students accused of sexual misconduct. The university also adheres to all
52 federal, state and local requirements for intervention, crime reporting and privacy
53 provisions related to sexual misconduct.

54 Sexual misconduct can be committed by men or women, and it can occur between people
55 of the same or different sex.

56 The university will make this policy and educational opportunities readily available to all
57 students and other members of the university community. Creating a respectful, safe, and
58 non-threatening environment is the responsibility of all members of the university
59 community.

60 Students who would like to discuss their situations in a private environment, and share or
61 seek information about a sexual misconduct issue without making a formal complaint,
62 may consult RVAP (the Rape Victim Advocacy Program)(335-6000), the University
63 Counseling Service (335-7294), the Office of the Ombudsperson (335-3608), the
64 Women's Resource and Action Center (335-1486), or Faculty and Staff
65 Services/Employee Assistance Program (335-2085). All of these offices commit to

66 keeping their communications with students private. In addition, under Iowa law, student
67 communications with certain individuals are legally confidential. When seeking private
68 advice and support from these offices or from any university employee, students should
69 always confirm whether confidentiality applies to their communications with the person
70 to whom they are speaking.

71 Formal complaints about sexual misconduct by UI students, faculty, or staff should be
72 made to the UI Sexual Misconduct Response Coordinator. No employee is authorized to
73 investigate or resolve student complaints without the involvement of the UI Sexual
74 Misconduct Response Coordinator.

75 In addition to violating university policy, sexual misconduct might also constitute
76 criminal activity. **Students are strongly encouraged to inform law enforcement
77 authorities about instances of sexual misconduct. The chances of a successful
78 criminal investigation are greatly enhanced if evidence is collected and maintained
79 immediately by law enforcement officers.** Students may inform law enforcement
80 authorities about sexual misconduct and discuss the matter with a law enforcement
81 officer without filing a formal criminal complaint or a formal university complaint.

82 Assistance in reporting any form of sexual misconduct to the proper law enforcement
83 authorities is available to any student upon request from a certified victim advocate at
84 RVAP or from the UI Sexual Misconduct Response Coordinator.

85 DEFINITION OF SEXUAL MISCONDUCT, INCLUDING SEXUAL ASSAULT AND 86 SEXUAL HARASSMENT

87 Sexual misconduct is a broad term encompassing any unwelcome behavior of a sexual
88 nature that is committed without consent or by force, intimidation, coercion, or
89 manipulation. The term includes sexual assault, sexual harassment, sexual exploitation,
90 and sexual intimidation as those behaviors are described later in this section. Sexual
91 misconduct can be committed by men or women, and it can occur between people of the
92 same or different sex.

93
94 For purposes of this policy, consent is a freely and affirmatively communicated
95 willingness to participate in sexual activity or behavior, expressed either by words or
96 clear, unambiguous actions. It is the responsibility of the person who wants to engage in
97 the sexual activity to insure that he or she has the consent of the other to engage in the
98 activity. Lack of protest or resistance does not mean consent, nor does silence mean
99 consent. For that reason, relying solely on non-verbal communication can lead to
100 misunderstanding. Moreover, the existence of a dating relationship between the persons
101 involved or the fact of a past sexual relationship should never provide the basis for an
102 assumption of consent.

103
104 Consent must be present throughout the sexual activity--at any time, a participant can
105 communicate that he or she no longer consents to continuing the activity. If there is
106 confusion as to whether anyone has consented or continues to consent to sexual activity,

107 it is essential that the participants stop the activity until the confusion can be clearly
108 resolved.

109

110 In addition, under Iowa law the following people are unable to give consent:

111

- 112 • Persons who are asleep or unconscious
- 113 • Persons who are incapacitated due to the influence of drugs, alcohol, or
114 medication
- 115 • Persons who are unable to communicate consent due to a mental or physical
116 condition

117

118 Sexual misconduct may vary in its severity and consists of a range of behavior or
119 attempted behavior. It can occur between strangers or acquaintances, including people
120 involved in an intimate or sexual relationship.

121

122 EXAMPLES OF SEXUAL MISCONDUCT

123

124 Sexual misconduct includes, but is not limited to, the following examples of prohibited
125 conduct:

126

127 Sexual Assault [hyperlink]

128 Sexual Harassment [hyperlink]

129 Sexual Exploitation [hyperlink]

130 Sexual Intimidation [hyperlink]

131

132 In addition to being forbidden by this policy, sexual misconduct may be a violation of
133 state criminal law and of the university's general policy against violence.

134

135 Sexual Assault

136

137 Sexual assault is a form of sexual misconduct and represents a continuum of conduct
138 from forcible rape to nonphysical forms of pressure that compel individuals to engage in
139 sexual activity against their will.

140

141 Examples of sexual assault under this policy include, but are not limited to, the following
142 behaviors when consent is not present:

143

- 144 • Sexual intercourse (vaginal or anal)
- 145 • Oral sex
- 146 • Rape or attempted rape
- 147 • Penetration of an orifice (anal, vaginal, oral) with the penis, finger, or other object
- 148 • Unwanted touching of a sexual nature
- 149 • Use of coercion, manipulation, or force to make someone else engage in sexual
150 touching including breast, chest and buttocks

- 151 • Engaging in sexual activity with a person who is unable to provide consent due to
 152 the influence of drugs, alcohol, or other mental or physical condition (e.g. asleep
 153 or unconscious)
 154

155 Sexual Harassment

156
 157 Sexual harassment is a form of discrimination that includes verbal, written, or physical
 158 behavior of a sexual nature, directed at someone, or against a particular group, because of
 159 that person's or group's sex, or based on gender stereotypes, when that behavior is
 160 unwelcome and meets either of the following criteria:
 161

- 162 • Submission or consent to the behavior is believed to carry consequences for the
 163 student's education, employment, on-campus living environment, or participation
 164 in a university activity
 165
 166 ○ Examples of this type of sexual harassment include pressuring a student to
 167 engage in sexual behavior for some educational or employment benefit, or
 168 making a real or perceived threat that rejecting sexual behavior will carry
 169 a negative consequence for the student.
 170
 171 • The behavior has the purpose or effect of substantially interfering with the
 172 student's work or educational performance by creating an intimidating, hostile, or
 173 demeaning environment for employment, education, on-campus living, or
 174 participation in a university activity.
 175
 176 ○ Examples of this type of sexual harassment can include persistent
 177 unwelcomed efforts to develop a sexual relationship; unwelcome
 178 commentary about an individual's body or sexual activities; unwanted
 179 sexual attention; repeated and unwelcome sexually-oriented teasing,
 180 joking or flirting; or verbal abuse of a sexual nature. Comments or
 181 communications could be verbal, written or electronic. Behavior does not
 182 need to be directed at or to a specific student, but rather may be
 183 generalized unwelcomed and unnecessary comments based on sex or
 184 gender stereotypes.

185 Determination of whether alleged conduct constitutes sexual harassment requires
 186 consideration of all the circumstances, including the context in which the alleged
 187 incidents occurred.

188 Sexual Exploitation

189
 190 Sexual exploitation involves taking non-consensual sexual advantage of another person.
 191 Examples can include, but are not limited to the following behaviors:
 192

- 193 • Electronically recording, photographing, or transmitting intimate or sexual
- 194 utterances, sounds, or images without the knowledge and consent of all parties
- 195 involved
- 196 • Voyeurism (spying on others who are in intimate or sexual situations)
- 197 • Distributing intimate or sexual information about another person without that
- 198 person's consent
- 199

200 Sexual Intimidation

201

202 Sexual intimidation involves 1) threatening another person that you will commit a sex act
 203 against them, 2) stalking, 3) cyber-stalking, or 4) engaging in indecent exposure.

204

205 RESOURCES AND SUPPORT FOR STUDENTS

206

207 People who experience unwelcome sexual behavior may respond to the experience in
 208 many different ways, including feeling confused, vulnerable, out of control, embarrassed,
 209 angry, or depressed. The university provides a variety of resources to assist students who
 210 have experienced unwelcome sexual behavior with their healing and recovery and to help
 211 students determine whether and how to make a formal complaint about the incident.

212

213 Confidential assistance and advocacy for students who have experienced sexual 214 misconduct or other unwelcome sexual behavior

215

216 A student may receive assistance from a certified victim advocate by calling RVAP at
 217 319-335-6000. Trained advocates staff this phone number 24 hours a day, 365 days a
 218 year. Although RVAP's formal name is the "Rape Victim Advocacy Program" a student
 219 does not need to be a rape victim to use its services and those services are available to
 220 men and women alike.

221

222 Certified victim advocates are trained to assist victims of sexual misconduct and will
 223 speak with the student confidentially as the student considers options. They can help a
 224 student identify other sources of emotional and physical support. They can provide
 225 counseling and also assist the student in understanding the student's rights and reporting
 226 options. The university encourages all students who believe they may have been victims
 227 of sexual misconduct to contact RVAP and seek the assistance of an advocate.

228

229 Additional information about RVAP, as well as other confidential resources, is available
 230 in the *Resources Appendix*.

231

232 Academic and Housing Accommodations; Interim Actions to Protect Students

233

234 A student who believes he or she has been the victim of sexual misconduct, as well as a
 235 student who has been accused of sexual misconduct, may contact the Sexual Misconduct
 236 Response Coordinator to request any of the following, when related to the incident or
 237 accusation of sexual misconduct:

238

- 239 • A change of the student's on-campus housing location to a different on-
- 240 campus location if alternate on-campus housing is available;
- 241 • Assistance in exploring alternative housing off-campus;
- 242 • Assistance in securing a transfer of class sections;
- 243 • Assistance in arranging incompletes, leaves or withdrawal;
- 244 • Issuance of a no-contact directive if the university determines that
- 245 continued contact between a student who has filed a complaint, a student
- 246 who has been accused of sexual misconduct, and/or a witness would be
- 247 detrimental to any of the parties' welfare.
- 248 • Other interim actions, when necessary to protect student welfare, such as
- 249 interim suspensions.
- 250

251 Requests for such arrangements or actions will be granted in appropriate circumstances as
 252 determined by the Dean of Students.

253 Protection against retaliation

254 The University of Iowa prohibits retaliatory action against any person filing a complaint
 255 of sexual misconduct or against any person cooperating in the investigation of any charge
 256 of sexual misconduct. This includes any form of intimidation, threats or harassment.
 257 Acts of retaliation constitute a violation of university policy and the Code of Student Life
 258 and will result in disciplinary action. Retaliation should be reported to the UI Sexual
 259 Misconduct Response Coordinator.

260 Medical Assistance

261
 262 Students who have experienced a recent sexual assault are strongly encouraged to visit a
 263 hospital or clinic to take care of their medical needs. A hospital or clinic can treat a
 264 victim's injuries and provide necessary medical advice and medication in case a victim
 265 may have contracted a sexually transmitted disease (STD) or has pregnancy concerns. A
 266 Sexual Assault Nurse Examiner is available to perform a sexual abuse evidentiary
 267 examination. Receiving an evidentiary examination does not mean that a victim must file
 268 formal charges with the university or with law enforcement. Rather the examination
 269 serves to preserve evidence in the event that a victim may wish to move forward on
 270 charges in the future.

271
 272 A sexual assault evidentiary exam is fully covered and paid for by the State of Iowa and
 273 will not be submitted for insurance purposes.

274
 275 To secure medical assistance and/or a sexual abuse evidentiary exam, visit the

276
 277 University of Iowa Hospitals and Clinics
 278 Emergency Treatment Center (open 24 hours)
 279 200 Hawkins Drive
 280 Carver Pavilion, Level 1
 281 Iowa City, IA 52242

282 Emergency Medicine phone: 319-356-2233
 283 UIHC Nurseline (operated 24 hours): 319-384-8442

284 The University of Iowa Department of Public Safety (335-5022)

285 Students who have experienced sexual misconduct are encouraged to seek the assistance
 286 of the University of Iowa Department of Public Safety. If a student is not sure whether
 287 criminal conduct is involved, an officer can assist the student in determining whether a
 288 crime has been committed. If the sexual misconduct occurred off-campus, an officer can
 289 assist the student in contacting the appropriate law enforcement agency. A student can
 290 request and receive the assistance of the UI Department of Public Safety without filing a
 291 criminal complaint or making a complaint to the university.

292 The University of Iowa Department of Public Safety is committed to ensuring that
 293 students who report sexual misconduct receive comprehensive care, regardless of
 294 whether or not they wish to file a formal criminal complaint.

295
 296 If a student contacts UI Public Safety, an officer will

- 297
- 298 • Call a certified victim advocate to assist the student in every step of the
 - 299 process;
 - 300 • Accompany the student to the hospital if the student wishes;
 - 301 • Contact the university's Sexual Misconduct Response Coordinator if the
 - 302 student wishes to make a complaint under university processes or utilize
 - 303 the resources of that office, including making a request for
 - 304 accommodations or other support;
 - 305 • Talk with the student privately and treat the student with respect,
 - 306 sensitivity, and dignity.

307 Even if an assault took place on non-university property or was reported to another law
 308 enforcement agency, students are encouraged to contact the University Department of
 309 Public Safety for assistance with safety issues while on campus (e.g. protection from
 310 particular individuals).

311 INFORMATION AND LINKS REGARDING OTHER ON-CAMPUS AND OFF-
 312 CAMPUS RESOURCES (See Resource Appendix)

313 MAKING A FORMAL COMPLAINT OF SEXUAL MISCONDUCT

314
 315 The university takes all incidents of sexual misconduct very seriously. There are two
 316 options for students to make a formal complaint of sexual misconduct. A student may
 317 pursue either or both of these options.

- 318
- 319 • A student can make a formal complaint about sexual misconduct to the
 - 320 university administration

321

- 322
- 323
- 324
- 325
- 326
- 327
- 328
- 329
- A student can make a formal complaint about sexual misconduct to the appropriate law enforcement authorities, which would be the UI Department of Public Safety (335-5022) in the case of sexual misconduct that occurs on campus. Not all sexual misconduct is criminal behavior. The law enforcement authorities can assist a student in determining whether the conduct experienced was criminal in nature and warrants a criminal complaint.

330 Please note: A student may seek and receive support services from the UI Sexual Assault
331 Response Coordinator and of the UI Department of Public Safety without making a
332 formal complaint. Except in cases where there is a threat of harm to other members of
333 the campus community, neither the university nor UI Public Safety will pursue charges
334 against an accused student without the authorization of the student making a complaint.
335

336 How to make a formal complaint to university administration

337

338 Students may make a complaint about sexual misconduct by another student, a faculty
339 member, or a staff member by contacting the UI Sexual Misconduct Response
340 Coordinator (XXX-XXXX; office address).
341

342 A student may need support when talking with law enforcement or university
343 administrators. Students are entitled to be assisted by a certified victim advocate at every
344 stage of the process and are encouraged to consult with the victim advocate and bring the
345 victim advocate to meetings.
346

347 When to make a complaint

348

349 There is no time limit on making a complaint to university administration. *However,*
350 *students are strongly encouraged to report incidents of, or share information about,*
351 *sexual misconduct as soon as possible after the incident occurred.* The university may
352 ultimately be unable to adequately investigate if too much time has passed or if an
353 accused individual has left the university. Other factors that could negatively affect the
354 university's ability to investigate include the loss of physical evidence (e.g., prompt
355 medical examinations are critical to preserving the physical evidence of sexual assault),
356 the potential departure of witnesses, or loss of memory.
357

358 Making a report or a formal complaint to law enforcement

359 In an emergency, call 911 from wherever you are and a law enforcement officer will
360 respond to assist you.

361 In non-emergency situations, criminal sexual misconduct, including sexual assault,
362 should be reported to the law enforcement agency that has jurisdiction over the location
363 where the assault or abuse occurred. Non-emergency reports to law enforcement may be
364 made as follows:

- 365 • If the incident occurred on University of Iowa property, call the University
366 of Iowa Department of Public Safety at 335-5022
367 • If the incident occurred in Iowa City, call the Iowa City Police Department
368 at 356-5275
369 • If the incident occurred in Coralville, call the Coralville Police
370 Department at 248-1800
371 • If the incident occurred in another area of Johnson County, call the
372 Johnson County Sheriff’s Department at 356-6020

373 Victim advocates have special training in working with law enforcement. The advocates
374 at RVAP (335-6000 -24 hour crisis line) can help a student make an appointment with a
375 law enforcement officer to discuss options, and a student can request that a victim
376 advocate accompany him or her at the meeting.

377 At a student’s request, the UI Sexual Misconduct Response Coordinator will also assist
378 students in reporting to or filing a complaint with law enforcement.

379 SCOPE OF POLICY: ON-CAMPUS AND OFF-CAMPUS

380 This policy covers both on-campus and off-campus conduct, as described below.

381 *On-Campus Violations:* This policy forbids acts of sexual misconduct anywhere on
382 campus. “Campus” includes university-owned or leased property, streets and pathways
383 contiguous to university property or in the immediate vicinity of campus. It also includes
384 the property, facilities and leased premises of organizations affiliated with the university,
385 including university housing and university-recognized housing. University housing
386 includes all types of university residence housing such as halls and apartments.
387 University-recognized housing includes fraternity and sorority chapter dwellings.

388 *Off-Campus Violations:* Off-campus violations, including online behavior, that affect a
389 clear and distinct interest of the university are subject to disciplinary sanctions. For
390 example, sexual misconduct by a student is within the university’s interests when the
391 behavior:

- 392 • Involves conduct directed at a university student or other member of the
393 university community;
394 • Occurs during university-sponsored events (e.g., field trips, social or educational
395 functions, university-related travel, student recruitment activities, internships and
396 service learning experiences);
397 • Occurs during the events of organizations affiliated with the university, including
398 the events of student organizations;
399 • Occurs during a Study Abroad Program or other international travel; or
400 • Poses a disruption or threat to the university community.

401 RESOURCES AND SUPPORT FOR STUDENTS WHO ARE ACCUSED OF SEXUAL 402 MISCONDUCT

403

404 Confidential resources

405

406 Students who are accused of sexual misconduct may discuss their situations privately
407 with counselors at University Counseling Services (335-7294) or with the staff at the UI
408 Office of the Ombudsperson (335-1486). *See Resources Appendix.* An accused student's
409 conversations with University counselors and staff will not be reported to anyone else in
410 the university except in cases of a threat of imminent physical harm. However,
411 statements made to employees in these offices may not be legally confidential. When
412 seeking private advice and support from these offices or from any university employee,
413 students should always confirm whether legal confidentiality applies to their
414 communications with the person to whom they are speaking.

415

416 Academic or Housing Accommodations

417

418 A student who is accused of sexual misconduct may seek academic or housing
419 accommodations, as explained elsewhere in this policy [insert link], when such
420 accommodations are related to problems related to the accusation.

421

422 Due Process

423

424 The university will treat accused students with fairness and respect and will ensure that
425 its investigations and disciplinary proceedings are conducted in accordance with
426 principles of due process.

427

428 A student who is accused of sexual misconduct may be assisted by an attorney or other
429 adviser of his or her choosing. A student who is accused of sexual misconduct should
430 consider seeking the assistance of an attorney.

431 University prohibition against knowingly false complaints

432 The university prohibits students from knowingly filing false complaints of sexual
433 misconduct (including sexual assault and sexual harassment). Knowingly filing false
434 complaints of sexual misconduct constitutes a violation of the Code of Student Life and
435 will result in disciplinary action. However, a complaint made in good faith is not
436 considered false merely because the evidence does not ultimately support the allegation
437 of sexual misconduct.

438

439 APPENDICES (to be prepared during implementation phase, after policy is approved)

440

441 *Flowchart of options and resources available to students who experience sexual*
442 *misconduct*

443

444 *Additional On-Campus and Off-Campus Resources for Students*

445

446 *Description of University Procedures for Investigating and Adjudicating Formal*
447 *Complaints of Sexual Misconduct*
448
449 *Description of Reporting Obligations of University Faculty and Staff Who Learn of*
450 *Alleged Incidents of Sexual Misconduct*
451
452 *Description of Rights of Students Who File Complaints and of Students Accused of Sexual*
453 *Misconduct*
454
455

DRAFT

Sexual Misconduct, Sexual Assault, and Sexual Harassment Involving Students [DRAFT]

Effective: [DRAFT]

Contact: [Dean of Students Office - Division of Student Affairs](#)

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Introduction

Iowa State University strives to create a respectful, safe, and non-threatening environment for its students. This policy sets forth the resources available to students, describes prohibited conduct, and establishes procedures for responding to sexual misconduct incidents that include sexual assault, sexual harassment and other unwelcome behaviors as explained below. While grounded in Iowa criminal law and consistent with the Board of Regents, State of Iowa, "Sexual Misconduct Guiding Principles," this policy governs criminal behavior, as well as other behavior which, although not a crime, is inappropriate and unjustified in an educational environment.

Policy Statement

The university prohibits sexual misconduct in any form, including sexual assault or sexual abuse, sexual harassment, and other forms of nonconsensual sexual conduct. Students should be able to live, study, and work in an environment free from sexual misconduct.

It is the position of the university that sexual misconduct in any form will not be excused or tolerated. Criminal, civil, and university disciplinary processes will be available to a student with a complaint and enforced against a person found to have engaged in the behavior. The university is committed to fair and prompt procedures to investigate and adjudicate reports of sexual misconduct and to the education of the university community about the importance of responding to all forms of sexual misconduct. Special emphasis is placed on the rights, needs, and privacy of the student with a complaint, as well as the rights of the accused. At the same time, the university adheres to all federal, state and local requirements for intervention and crime reporting related to sexual misconduct.

This policy identifies prohibited behavior for two important reasons: first, so that victims of prohibited behavior can easily recognize what happened to them as misconduct and comfortably seek assistance; and second, so that all students are aware of these expectations and can make appropriate decisions, knowing there will be consequences for violating this policy.

The university will make this policy and educational opportunities readily available to all students and other members of the university community. Specifically, the university provides periodic education to students regarding sexual misconduct. The ISU Division of Student Affairs, ISU Police, the Office of Equal Opportunity and Diversity, and community agencies offer sexual misconduct education and information upon request. The university encourages students and student organizations to take advantage of those educational

opportunities and to learn about this policy. Creating a respectful, safe and non-threatening environment is the responsibility of all members of the university community.

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Policy Scope and Jurisdiction

Scope

This policy covers all Iowa State University students, and in particular students who:

- Are victims of any form of sexual misconduct, including sexual assault and sexual harassment, by any other person (student, employee, or others outside of the university community)
- Are accused of engaging in behavior prohibited by this policy

As provided by the Student Disciplinary Regulations, section 4.1.8, the term "student" includes undergraduate, graduate, and professional students, as well as student organizations and persons who have been admitted, though not yet in attendance. Employees, including employees who may be taking classes, are persons whose primary relationship with the university is for employment and are, therefore, not covered by this policy, although are covered by other university policies and resources concerning employee misconduct.

Jurisdiction

According to the university Student Disciplinary Regulations, sections 4.1.2 and 4.1.3, this policy shall cover both on-campus and off-campus conduct, as those terms are described below.

On-Campus Violations: The campus includes the geographic confines of the university, including its land, institutional roads and buildings, its leased premises, common areas at leased premises, the property, facilities and leased premises of organizations affiliated with the university, such as the Memorial Union, university housing, and university-recognized housing. University housing includes all types of university residence housing such as halls and apartments. University-recognized housing includes fraternity and sorority chapter dwellings.

Off-Campus Violations: Students should be aware that off campus violations that affect a clear and distinct interest of the university are subject to disciplinary sanctions. As examples, sexual misconduct and harassment are within the university's interests when the behavior:

- Involves conduct directed at or by a university student or other member of the university community (e.g., private house party, outside employment);
- Occurs during university-sponsored events (e.g., field trips, social or educational functions, university-related travel, student recruitment activities, internships and service learning experiences);
- Occurs during the events of organizations affiliated with the university, including the events of student organizations;
- Occurs during a Study Abroad Program or other international travel; or
- Poses a disruption or threat to the university community.

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Confidentiality

Iowa State University is committed to creating an environment that encourages students to come forward if they have experienced any form of sexual misconduct. The university will work to safeguard the identities and privacy of the students who seek help or who report sexual misconduct. However, it is important that students understand the limits on confidentiality of individuals whom they may contact for such assistance. Different people, depending on their positions, have different obligations with regard to confidentiality.

Under Iowa law, communications with some individuals are confidential. Students should always confirm whether confidentiality applies to the communication. Generally, confidentiality applies when a student seeks services from the following persons:

- ACCESS advocate
- Psychological counselor (including counselors at ISU Student Counseling Services)
- Health care provider (including medical professionals at ISU Thielien Student Health Center)
- Personal attorney
- Religious/spiritual counselor

Any other university employee cannot guarantee complete confidentiality. Information is disclosed only to select officials who have an essential need to know in order to carry out their university responsibilities. As is the case with any educational institution, the university must balance the needs of the individual student with its obligation to protect the safety and well being of the community at large. Therefore, depending on the seriousness of the alleged incident, further action may be necessary, including a campus security alert. The alert, however, would never contain any information identifying the student who brought the complaint.

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Sexual Misconduct

Sexual misconduct is a broad term encompassing any non-consensual behavior of a sexual nature that is committed by force or intimidation, or that is otherwise unwelcome. The term includes sexual assault, sexual exploitation, sexual intimidation, and sexual harassment as those behaviors are described later in this section.

Sexual intimacy requires that all participants consent to the activity. Consent between two or more people is defined as an affirmative agreement—through clear actions or words—to engage in sexual activity. The person giving the consent must act freely, voluntarily, and with an understanding of his or her actions when giving the consent. Lack of protest or resistance does not constitute consent, nor does silence mean consent has been given. Relying solely on non-verbal communication can lead to misunderstanding. Persons who want to engage in the sexual activity are responsible for obtaining consent—it should never be assumed. A prior relationship or prior sexual activity is not sufficient to demonstrate consent.

Consent must be present throughout the sexual activity—at any time, a participant can communicate that he or she no longer consents to continuing the activity. If there is confusion as to whether anyone has consented or continues to consent to sexual activity, it is essential that the participants stop the activity until the confusion can be clearly resolved.

In addition, under Iowa law the following people are unable to give consent:

- Persons who are asleep or unconscious
- Persons who are incapacitated due to the influence of drugs, alcohol, or medication (see Resource Links below for Iowa Code Section 709.1A, Incapacitation)
- Persons who are unable to communicate consent due to a mental or physical condition
- Generally, minors under the age of 16 (see Resource Links below for Iowa Code Section 709.4 regarding minors giving consent to sexual activity)

Sexual misconduct may vary in its severity and consists of a range of behavior or attempted behavior. It can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual misconduct can occur between members of the same or different sex and can also occur while individuals are fully clothed. Sexual misconduct includes, but is not limited to, the following examples of prohibited conduct:

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Sexual Assault

Sexual assault is an extreme form of sexual misconduct and represents a continuum of conduct from forcible rape to nonphysical forms of pressure that compel individuals to engage in sexual activity against their will. In Iowa, the terms "rape" and "sexual assault" fall under the legal definition of "sexual abuse," which includes any sex act done by force or against the will of another. Examples of sexual assault under this policy include, but are not limited to the following behaviors when consent is not present:

- Sexual intercourse (vaginal, anal, oral)
- Oral sex
- Rape or attempted rape
- Penetration of an orifice (anal, vaginal, oral) with the penis, finger, or other object
- Unwanted touching of the genitals, buttocks, breast, or other body part
- Coercion or force to make someone else touch one's genitals, buttocks, breast, or other body part
- Inducing consent through drugs or alcohol
- Engaging in sexual activity with a person who is unable to provide consent due to the influence of drugs, alcohol, or other condition

Sexual Exploitation

Sexual exploitation involves taking non-consensual sexual advantage of another person. Examples can include, but are not limited to the following behaviors:

- Electronic recording, photographing, or transmitting intimate or sexual utterances, sounds, or images without knowledge and consent of all parties
- Voyeurism (sexual interest in spying on others)
- Distributing intimate or sexual information about another person without consent

Sexual Intimidation

Sexual intimidation involves threatening to commit a sex act against another person, stalking, cyber-stalking, or engaging in indecent exposure.

Sexual Harassment

Sexual harassment is a form of discrimination, as defined in the university Discrimination and Harassment policy. Sexual harassment can include unwelcome behavior (verbal, written, physical) that is directed at someone because of that person's sex or gender, and that meets either of the following criteria:

- Submission or consent to the behavior is believed to carry consequences for the student's education or employment
 - Examples can include pressure to engage in sexual behavior to further the student's education or employment; real or perceived threat that rejecting the behavior would carry a negative consequence for the student.
- The behavior has the purpose or effect of substantially interfering with the student's education or employment by creating an intimidating, hostile, or demeaning environment
 - Examples can include persistent efforts to develop a sexual relationship; unwelcome commentary about an individual's body or sexual activities; unwanted sexual attention; repeated and unwelcome sexually-oriented teasing, joking or flirting; verbal abuse of a sexual nature. Comments or communications could be verbal, written or electronic.

Determination as to whether the alleged conduct constitutes sexual harassment should take into consideration all of the circumstances, including the context in which the alleged incidents occurred.

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Reporting Sexual Misconduct, Including Sexual Assault and Sexual Harassment

In addition to supporting individual students affected by sexual misconduct, the university takes all incidents seriously and has a responsibility to address misconduct. When sexual misconduct involves criminal behavior, students are strongly encouraged to report the situation to law enforcement. The Dean of Students Office will assist the student in notifying ISU Police or local law enforcement if the student so requests. An incident can be reported even if the student has not decided whether to take legal action. Nonetheless, students are always free to report and are encouraged to share instances of such behavior with the Dean of Students Office (contact information below) regardless of whether or not they choose to press formal criminal charges with law enforcement.

Students are strongly encouraged to report incidents of, or share information about, sexual misconduct as soon as possible. This is true even if the student with a complaint or a witness may have concern that his or her own alcohol or drug use, or other prohibited activity were involved. The Office of Judicial Affairs will not pursue disciplinary violations against a student with a complaint or a witness for his or her improper use of alcohol or drugs if the student is making a good faith report of sexual misconduct.

The university can take action only if the university is made aware of the behavior. If a university administrator becomes aware of a complaint or other violation of this policy, the administrator should bring the information to the Dean of Students Office so that concerns are heard and services can be offered to the affected students.

The university strongly encourages prompt reporting of complaints and information rather than risking any student's well being. Although there is no time limit on the reporting of formal charges with the university, the university may ultimately be unable to adequately investigate if too much time has passed or if the accused student has graduated. Factors that could negatively affect the university's ability to investigate include the loss of physical evidence (e.g., prompt medical examinations are critical to preserving the physical evidence of sexual assault), the potential departure of witnesses, or loss of memory.

The university strongly encourages students to report concerns as follows:

- For emergencies, contact 911. For non-emergencies, or if criminal behavior is involved, students are encouraged to contact ISU Police by telephone at 515-294-4428 or in person at room 55, Armory Building. **Contacting ISU Police does not mean you must pursue charges. ISU Police can advise you of your options and can also preserve evidence while you consider your options.**
- To seek assistance and support, or to report misconduct, contact the Dean of Students Office (1010 Student Services Building, 515-294-1020, dso@iastate.edu).
 - In all situations, the university's goal is to treat the student who reports misconduct with sensitivity and fairness, while also ensuring the accused individual receives due process if any disciplinary action is to be imposed.
 - The Dean of Students Office will make a student services staff member available to a student with a complaint if the student would like assistance throughout any university investigation or adjudication process. This staff member is not an "advocate" as that term is used below, nor is that staff person a representative who will speak on behalf of the student in any investigatory or adjudication process. Rather, the staff member serves as a point of contact to answer questions and explain processes, join the student in meetings, and make sure the student's expressed needs are being addressed.
 - For complaints against other students, the Student Disciplinary Regulations shall govern the complaint, investigation, and adjudication process through the Office of Judicial Affairs. See the following sections of the Student Disciplinary Regulations:
 - Section 2.1 - "Student Rights and Responsibilities"
 - Section 2.2 - "Complainant Rights and Responsibilities"
 - Section 5 - "Process"

- For complaints against faculty or staff, the investigation and adjudication may ultimately occur through the Office of the Executive Vice President and Provost (for faculty) or the Office of Equal Opportunity and Diversity (for non-faculty employees). For complaints against faculty, the Faculty Handbook will govern the process.
- In situations where an accused student faces both a disciplinary complaint and a criminal charge, the university reserves the right to move forward with the disciplinary investigative and adjudication process at the same time the criminal process is proceeding.

Immediate Actions by the University

The Dean of Students Office and ISU Police may take immediate interim actions to protect the safety of the university community, to enable students with complaints and witnesses to continue studies, and to ensure the integrity of an investigation. These actions may include:

- Interim suspension of the accused student
- No-contact notices
- Modifying class or work schedules
- Making alternate housing arrangements
- Addressing other academic concerns (e.g., absences, assignments, grades, leaves of absence, withdrawal)

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Resources and Services for Students

There are campus and community services available to students even if university or criminal reports are not made. The university strongly encourages students to seek assistance to care for themselves emotionally and physically through confidential crisis intervention, health care, and counseling. As students tend to their health, they should keep in mind that medical examinations are time-sensitive, and are critical in preserving evidence of sexual assault so that options can be considered at a later time.

Confidential Advocacy and Support

ACCESS (Assault Care Center Extending Shelter and Support): An ACCESS advocate is trained to assist victims of sexual misconduct and can speak with you confidentially as you consider your options. Any communication with an ACCESS advocate is legally protected under Iowa Code Section 915.20, which allows for confidential communications that cannot be disclosed without your permission. Although the advocate is not a university employee, the advocate may accompany you through any university investigation or adjudication process.

Contact information: <http://www.assaultcarecenter.org/>

Trained advocate: 515-292-5378 (29-ALERT)

Trained advocate 24 hours/day: 800-203-3488

General information: 515-292-0500

SART (Story County Sexual Assault Response Team): SART consists of specially trained professionals who provide a community coordinated response to sexual assaults. Members of SART represent the fields of law enforcement, health care, advocacy/counseling, and prosecution. SART identifies the barriers that keep sexual assault victims/survivors from coming forward and works to overcome those barriers through its sensitive, survivor-centered approach. In individual cases, a three-person team consisting of a police officer, sexual assault nurse examiner, and advocate respond to sexual assault reports, offering their services but leaving all decisions to the victim/survivor. SART strives to provide the first response to all sexual assaults in Story County to ensure a consistent, compassionate, and professional initial contact for victims.

Contact information: <http://www.dps.iastate.edu/sart/> to file an online report with SART

515-292-5378 (or 29-ALERT) to discuss more options

Email: sart@iastate.edu

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Campus Resources

ISU Student Counseling Services (SCS): Students can meet with a confidential mental health counselor.

Contact information: <http://www.public.iastate.edu/~stdtcouns/>

3rd Floor, Student Services Building

515-294-5056 - Let the receptionist know you are requesting a same-day crisis appointment.

If you would like to talk with someone after hours or on a weekend/holiday when Student Counseling Services is not open, you may call the Richmond Center (community mental health services) at 515-232-5811 (during business hours) or 800-830-7009 (24 hours/day).

ISU Thielen Student Health Center: Students can meet with a confidential health care provider.

Contact information: <http://www.health.iastate.edu/about/contact/>
Corner of Union Drive and Sheldon Avenue on the ISU campus
515-294-5801

Dean of Students Office: The office staff can assist you in filing formal complaints or, if you are not ready to file a formal complaint, the staff can work with you to address concerns over housing, class assignments or schedules, leaves of absence, withdrawal or other academic concerns. The office staff can also assist you in notifying ISU Police or local law enforcement, if you so request.

Contact information: www.dso.iastate.edu/
1010 Student Services Building
515-294-1020

Equal Opportunity and Diversity Office: EOD staff can discuss concerns over sexual harassment and options for students.

Contact information: <http://www.hrs.iastate.edu/AAO/eod/homepage.shtml>
3280 Beardshear Hall
515-294-7612

Margaret Sloss Women's Center (MSWC): The MSWC provides support and information through educational outreach, appropriate referral services, and a safe space.

Contact information: <http://www.dso.iastate.edu/wc/>
Sloss House on the ISU campus
515-294-4154
Email: womenctr@iastate.edu

ISU Police Division: Contacting ISU Police does not mean you must pursue criminal charges. ISU Police can advise you of your options, help preserve evidence while you consider your options, and assist you in safety planning.

Contact information: http://www.dps.iastate.edu/?page_id=225
Room 55 Armory
Emergency phone: 911
Non-emergency phone: 515-294-4428
Safety Escort: 515-294-4444
E-Mail: isupolice@iastate.edu

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Community Resources

Mary Greeley Medical Center

Contact information: <http://www.mgmc.org/>
1111 Duff Avenue
515-239-2011

Planned Parenthood of Ames

Contact information: <http://www.plannedparenthood.org/health-center/centerDetails.asp?f=2385>
2530 Chamberlain St.
877-811-7526

Ames Police Department

Contact information: <http://www.cityofames.org/police/>
515 Clark Avenue, Ames, IA 50010 (entrance on 6th Street)
Emergency phone: 911
Non-emergency phone: 515-239-5133

Story County Sheriff's Office

Contact information: <http://www.storycounty.com/index.aspx?DN=23,6,1,Documents>
1315 South B Avenue, Nevada, IA 50201
515-382-6566

If outside the Ames area, call local law enforcement or sheriff.

Story County Attorney's Office

Contact information: <http://www.storycounty.com/index.aspx?DN=9,6,1,Documents>
1315 South B Avenue, Nevada, IA 50201
515-382-7255

See also the Story County Attorney's Office **Victim Assistance Program**, which can offer information on the criminal process and also help locate financial assistance for crime victims. <http://www.storycounty.com/index.aspx?DN=1666,9,6,1,Documents>

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Retaliation

The university prohibits retaliation against an individual for making a complaint of sexual misconduct (including sexual assault and sexual harassment), for resisting such behavior, or for otherwise using or participating in the complaint resolution process. Prohibited behavior includes any form of intimidation, threats, or harassment by the individual accused of misconduct or persons acting in support of or on behalf of that individual. Acts of retaliation are, by themselves, cause for disciplinary action.

False Complaints

The university also prohibits an individual from knowingly filing a false complaint or making misrepresentations of sexual misconduct (including sexual assault and sexual harassment). However, a complaint made in good faith is not considered false merely because the evidence does not ultimately support the allegation of sexual misconduct or sexual harassment. Acts of knowingly filing false complaints are, by themselves, cause for disciplinary action.

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Resource Links

Policies and Guidance

[Discrimination and Harassment Policy-ISU](#)

[Violence-Free Campus Policy - ISU](#)

[Non-Retaliation Against Persons Reporting Misconduct Policy - ISU](#)

["Safety & You" Bulletin - ISU \(includes Crime Statistics\)](#)

[Training Information Contact](#)

[Student Disciplinary Regulations \[PDF\]](#), See Section 2: Student Rights and Responsibilities

[Student Disciplinary Regulations \[PDF\]](#), See Section 4: Conduct

[Student Disciplinary Regulations \[PDF\]](#), See Section 5: Process

[Sexual Misconduct Guiding Principles - Board of Regents, State of Iowa \[PDF\]](#)

[Faculty Conduct Policy - Faculty Handbook, Chapter 7](#)

[Personal Safety Guidance - ISU Department of Residence](#)

ISU Offices and Services

[Dean of Students Office](#)

[Judicial Affairs](#)

[Margaret Sloss Women's Center](#)

[Equal Opportunity and Diversity Office](#)

[Executive Vice President and Provost](#)

[ISU Police](#)

[Student Counseling Service](#)

[Discrimination and Harassment Assistors](#)

[Thielen Student Health Center](#)

[Ombuds Office](#)

Ames and Story County

[ACCESS \(Assault Care Center Extending Shelter and Support\)](#)

[SART \(Story County Sexual Assault Team\)](#)

[Mary Greeley Medical Center](#)

[Planned Parenthood of Ames](#)

[Ames Police Department](#)

[Story County Attorney](#)

[Story County Sheriff](#)

[Story County Victim Assistance Program](#)

Iowa Law

[Iowa Code Section 708.7, Harassment](#)

[Iowa Code Section 708.11, Stalking](#)

[Iowa Code Chapter 709, Sexual Abuse](#)

[Iowa Code Section 709.1A, Incapacitation](#)
[Iowa Code Section 709.4, Sexual Abuse in the Third Degree](#)
[Iowa Code Chapter 729A, Violation of Individual Rights - Hate Crimes](#)
[Iowa Code Chapter 915, Victim Rights](#)

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Published by: Policy Administrator (policy@iastate.edu)

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3.15 Sexual Misconduct Policy - DRAFT – AS OF 12.5.08

If You or Someone You Know May Be A Victim of Sexual Misconduct:

If you or someone you know may be a victim of sexual misconduct, sexual assault, or any other behaviors prohibited under this policy, you are strongly encouraged to seek immediate assistance from [Violence Intervention Services](#), **Student Health Center, Room 60 (319) 273-2137** or [UNI Police](#), **Gilchrist Hall, Room 30, (319) 273-2712**. Students will be provided counseling and medical referrals; assistance with safe housing and academic and financial concerns related to the sexual misconduct; and information concerning victim's rights. Individuals will also be provided information concerning University, civil and criminal complaints, including how to file such complaints.

The University will not pursue disciplinary action for improper use of alcohol or other drugs against an alleged victim of sexual misconduct or against another student who shares information as either a witness to or as a reporter of sexual misconduct as long as the report is made in good faith. See "Good Samaritan Provision" Article III (D) of the [Student Conduct Code](#).

Preamble:

The University of Northern Iowa is committed to providing a safe living and learning environment for all students. Maintaining this type of environment requires that any sexual behavior of students be consensual. Special emphasis is placed on violence prevention, providing support for those who may have been victimized and ensuring a vigorous enforcement of institutional policy and law. The University's response to sexual misconduct seeks to balance the rights, needs and privacy of victims and those of the accused, while maintaining the health and safety of the campus community.

Purpose:

This policy describes prohibited sexual conduct involving students, including sexual assault, rape, sexual harassment, and other forms of non-consensual sexual behavior; identifies resources and support provided to victims; establishes procedures for reporting incidents of sexual misconduct; and articulates the University's commitment to preventing sexual misconduct and responding appropriately when incidents do occur.

Policy:

Article I – Sexual Misconduct

The University prohibits sexual misconduct in any form. Sexual misconduct is a broad term encompassing any unwelcome behavior of a sexual nature that is committed without consent or by force, intimidation, coercion, or manipulation. Sexual misconduct can occur between persons of the same or different sex.

For the purposes of this policy, consent is defined as a freely and affirmatively communicated willingness to participate in sexual activity, expressed either by words or clear, unambiguous actions. It is the responsibility of the initiator of the sexual activity to ensure he or she has the other person's consent to engage in sexual activity. Consent must be present throughout the sexual activity by all parties involved. At any time, a participant can communicate that he or she no longer consents to continuing the activity. Consent may never be obtained through the use of force, coercion or intimidation or if the victim is mentally or physically disabled or incapacitated, including through the use of drugs or alcohol.

Consent cannot be assumed because of the existence of a dating relationship between the persons involved or due to the existence of a previous sexual relationship between the persons. The perpetrator or victim's use of alcohol or other drugs does not diminish the perpetrator's responsibility.

Sexual Assault

Sexual assault is a form of sexual misconduct and represents a continuum of conduct from forcible rape to nonphysical forms of pressure that compel individuals to engage in sexual activity against their will. It includes any physical contact of a sexual nature that is committed by either force or intimidation or through the use of a person's mental or physical incapacity, including incapacitation caused by the use of drugs or alcohol.

The list of behaviors prohibited under this policy includes, but is not limited to, the following:

- Unwanted touching of the genitals, buttocks, or breasts that is intentional or other unwanted touching or groping
- Forcing/coercing someone to touch you or someone else in a sexual manner
- Threatening to sexually harm someone
- Rape or attempted rape
- Ignoring a sexual limit that has been communicated
- Initiating sexual activity with a person who is unable to provide consent due to incapacitation from alcohol and/or drug consumption or other condition
- Unwanted penetration of an orifice (anal, vaginal, oral) with the penis, finger or objects
- Coercing or intimidating someone into sexual behavior
- Using electronic devices or technology (e.g., cell phone, camera, email, Internet sites or online communities) to record or transmit nudity or sexual acts without a person's knowledge and/or permission
- Intentionally observing nudity or sexual acts of another person without the person's knowledge or permission (voyeurism)

Sexual Harassment

Sexual harassment is a form of sexual misconduct that may include unwelcome sexual advances, requests for sexual favors, and other verbal, written or physical conduct of a sexual nature when:

- Submission to or rejection of such conduct or communication is a term or condition of education benefits, academic evaluations or opportunities
- The behavior is sufficiently severe or pervasive to unreasonably interfere with the student's education or employment or create an intimidating, hostile or objectively offensive environment

If one or more of the above conditions are met, examples of sexually harassing behavior may include: spreading sexual rumors; catcalls/whistles; making sexual gestures; touching oneself sexually in front of another; repeated and unwelcome sexual conversations; flirting; teasing; persistent efforts to develop a sexual relationship; pressure to engage in sexual behavior; and other verbal or physical conduct. Comments can be verbal, written, or electronic.

Determination of whether conduct constitutes sexual harassment requires consideration of all the circumstances, including the context in which the alleged incidents occurred.

Article II – Student Resources and Support

Confidential Resources

The University of Northern Iowa will make every effort to safeguard the identities of students who seek help and/or report sexual misconduct. While steps are taken to protect the privacy of victims, the

University may need to investigate an incident and take action once an allegation is known, whether or not the student chooses to pursue a complaint.

The following individuals are designated as confidential resources; will seek to maintain all information received as private; and will not share confidential information with University officials or others, unless required to do so by law:

- A sexual assault advocate, including an advocate from the UNI Office of Violence Intervention Services and/or an advocate from Seeds of Hope (a community victim services provider)
- A licensed psychologist or certified mental health counselor, including counselors at the UNI Counseling Center
- A health care provider, including physicians and other medical professionals at the Student Health Clinic
- A religious advisor or clergy member

Office of Violence Intervention Services, Student Health Center, Room 60, (319) 273-2137

The Victim Services Coordinator will be the primary point of referral for a student who alleges sexual misconduct. Advocacy services will be made available to students free of charge and will include:

- Counseling and medical referrals both on campus and in the community
- Assisting victims in accessing resources
- Providing information on all reporting and complaint options and how to file such complaints (including University disciplinary, criminal, and civil complaints)
- Assistance in securing updates concerning the status of University and criminal complaints
- Assistance in accessing safe housing, including alternate campus housing
- Assistance with requests for changes in academic class schedule and other academic accommodations
- Assistance in obtaining University no contact orders and court issued protective orders
- Assistance in obtaining reimbursement for crime-related expenses
- Accompanying victims to meetings with University, law enforcement, and other officials as requested by the victim
- Assistance in preparing victim impact statements

Seeds of Hope, 2005 Kimball Ave, Suite 355, Waterloo, IA 50702, (888) 746-4673 (24 hour crisis line) or (319) 272-1400

Seeds of Hope is a community agency that provides comprehensive advocacy services 24 hours a day, seven days a week. Services will be made available to students free of charge and include:

- 24-hour crisis line
- 24-hour rape/sexual assault medical, legal and court advocacy
- Individual counseling and support groups
- Emergency cellular phone loan program
- Transportation to medical and counseling appointments

UNI Counseling Center, Student Health Center, Room 103, (319) 273-2676

The UNI Counseling Center provides free and confidential individual and group counseling by licensed psychologists and mental health counselors to students. A counselor is available during regular office hours to meet with students in crisis or to consult with faculty or staff about an urgent situation. After hours, call UNI Public Safety at (319) 273-2712 and they will contact the on-call counselor when appropriate. Referral and consultative services are also available.

UNI Student Health Clinic, Student Health Center, Room 16, (319) 273-2009

The UNI Student Health Clinic provides services and tests for victims of sexual assault in a safe, non-judgmental environment. Services to students are free and confidential and include:

- Care for medical and/or psychological injuries
- Pregnancy testing, emergency contraception (Plan B), and pregnancy options counseling
- Sexually transmitted infection testing and treatment, including HIV antibody testing

- Referral to area hospitals for evidence collection
- Referral for advocacy services

Local Hospitals

All local hospitals provide 24-hour emergency medical services and examinations for evidence using a rape kit.

Sartori Hospital
515 College St.
Cedar Falls, IA 50613
(319) 268-3090

Allen Hospital
1825 Logan Avenue
Waterloo, IA 50703
(319) 235-3697

Covenant Medical Center
3421 West 9th St
Waterloo, IA 50702
(319) 272-7050

Other University Resources

Dean of Students Office, Gilchrist Hall, Room 118, (319) 273-2332

The Dean of Students will coordinate the University's response to reports of sexual misconduct. This includes:

- Ensuring that victims are provided appropriate support, including facilitating requests for alternate housing and negotiating academic accommodations
- Assisting students in notifying on campus or local law enforcement authorities if the student so requests
- Investigating reports of alleged sexual misconduct involving students
- Issuing no contact and no trespass orders
- Initiating interim actions against the accused, such as interim suspension or residence hall suspension, in accordance with the provisions outlined in Article IV (I) of the [Student Conduct Code](#).
- Overseeing the student disciplinary and appeal processes
- Assisting victims and accused students in understanding their rights under the University student disciplinary process
- Ensuring that information regarding the Sexual Misconduct Policy and related services is made available to students and employees in print and via the University website

UNI Police, Gilchrist Hall, Room 30, (319) 273-2712

UNI Police are committed to providing a safe campus environment. UNI Police officers will assist victims in determining whether a crime was committed and what options are available for the victim to pursue. In the event the misconduct occurred off-campus, UNI Police will assist in contacting the appropriate law enforcement agency. Assistance can be requested from UNI Police without filing formal criminal charges or making a complaint to the University. Services provided include:

- Contacting an advocate to be present during the process with permission of the victim
- Assisting in obtaining medical attention
- Providing information as to criminal and/or University complaint processes
- Contacting other law enforcement agencies if the incident occurred off-campus
- Contacting institutional officials for requests to ensure safety while on campus
- Explaining and providing a written copy of the victim's rights
- Providing safety escorts and emergency cell phone loans

Article III - Reporting Options

There are two general options for students to make a formal complaint of sexual misconduct – University and criminal. A student can pursue either or both of the options described below. In addition, any person can choose to pursue civil action.

Note: The University will not pursue disciplinary action for improper use of alcohol or other drugs against an alleged victim of sexual misconduct or against another student who shares information as

either a witness to or as a reporter of sexual misconduct as long as the report is made in good faith. The Good Samaritan Provision is described in Article III (D) of the [Student Conduct Code](#).

University Complaint

Sexual misconduct by a student is a violation of the [Student Conduct Code](#). The Student Conduct Code describes the procedures for addressing complaints against students including a description of the rights of the person who files the complaint and of the accused student; policy jurisdiction; deadline for filing complaints; the hearing and decision making processes; possible sanctions; and appeal procedures. Selected policy elements of the Student Conduct Code are described below.

Interim Actions

The Dean of Students may impose interim actions, including interim suspension and residence hall suspension, prior to a hearing to protect the safety or emotional well being of the victim or the accused. Specific provisions are outlined in Article IV (I) of the [Student Conduct Code](#).

Jurisdiction

The Sexual Misconduct Policy applies to conduct that occurs on University premises, at University sponsored activities, or at activities that can be interpreted as representing the University. The policy also applies to off-campus incidents that seriously threaten the health or safety of any person or that adversely interferes with or disrupts the educational or other functions of the University.

Rights of Accused Students and Victims

The rights of the accused student, victim or any other person who files a University complaint against a student are described in Article IV of the [Student Conduct Code](#).

Retaliation

Any retaliatory action against a victim or other person who files a complaint of sexual misconduct or against their friends, acquaintances or other persons cooperating in the investigation of a charge of sexual misconduct is a violation of University policy. This includes any form of intimidation, threats, harassment or knowingly filing a false complaint.

Time Limits

A complaint should be submitted as soon as possible after the event takes place, preferably within 120 class days. Specific information regarding the time frame for responding to and resolving complaints is described in Article IV of the [Student Conduct Code](#).

Sexual misconduct by a University employee is a violation of the University's [Anti-discrimination and Harassment Policy](#) which describes the procedures for addressing such complaints. The Office of [Compliance and Equity Management, Gilchrist Hall, Room 117, \(319\) 273-2846](#) investigates complaints of sexual misconduct made against University employees and coordinates the University response to such complaints. The Office of Compliance and Equity Management works collaboratively with the Dean of Students to respond to complaints filed by a student against a faculty or staff member.

Criminal Complaint

Some types of sexual misconduct, particularly sexual assault, are criminal acts. The [Code of Iowa](#) (Chapter 709 Sexual Abuse) contains a detailed definition of sexual abuse and associated penalties.

Victims and/or other individuals who are made aware of sexual misconduct are strongly encouraged to contact [UNI Police, Gilchrist Hall, Room 30, \(319\) 273-2712](#). *Reporting an incident to police does not obligate a person to file criminal charges, but a prompt accounting of the events allows the victim to keep open the option of filing a criminal complaint at a later date. University officials will assist a victim in reporting the incident to police if the victim so requests.*

Article IV - Education, Communication and Training

The University is committed to education, communication and training in order to prevent sexual misconduct and in order to assure an appropriate response when incidents occur. The University will provide information on the following to students, faculty and staff:

- Preventing sexual misconduct
- Procedures for responding to incidents of sexual misconduct
- Resources available to students in cases of sexual misconduct
- Pertinent contents of relevant policy and law

This information will be provided to all new students through orientation and to all registered students, faculty and staff annually.

The University will maintain the above information on a website and in printed form for distribution by University personnel involved in prevention and/or response activities.

The University will provide training on the above information to all University personnel involved in providing any part of the University's response and to all persons who participate in the adjudication of cases via the Student Conduct Code.

Vice President for Student Affairs, approval pending
President's Cabinet, approval pending

6.3 Student to Student Sexual Misconduct Policy

STUDENT TO STUDENT SEXUAL MISCONDUCT POLICY

Iowa School for the Deaf Iowa Braille and Sight Saving School

This policy governs the practices related to student to student sexual misconduct for Iowa Braille and Sight Saving School, Iowa School for the Deaf and special schools programs including the Statewide System for Vision Services. The schools and programs will be referred to as special schools throughout this document.

It is the goal of the special schools to maintain positive learning and care environments that are free from sexual misconduct, harassment, abuse, exploitation, intimidation and assault. No student shall engage in any activities of sexual misconduct, harassment, assault abuse, exploitation or intimidation of another student. Any student found in violation of this policy will be subject to disciplinary measures.

It is the purpose and intent of this policy and these procedures to create a uniform procedure for the reporting, investigation, and disposition of allegations of abuse of students directly resulting from the actions of another student. This policy shall not be construed to prevent a victim from seeking administrative or legal remedies under any applicable provision of law.

For the purpose of this policy the alleged act(s) of sexual misconduct which include(s) harassment, abuse, exploitation, intimidation and assault must be alleged to have occurred on school grounds, on school time, on a school-sponsored activity, or in a school-related context in order to be investigated by school personnel. Allegations of sexual misconduct occurring outside of the school jurisdiction may be referred to the appropriate legal authorities. If an investigation reveals that there is a reasonable suspicion that a criminal act of sexual misconduct occurred (e.g. A sexual assault that is punishable by law) a referral may be made by the school authorities to local legal authorities for their further investigation.

Student to student sexual misconduct applies to students of the special schools and minor age students associated with students from the programs. Allegations of sexual misconduct toward students by school employees and other adults are governed by Procedure for Reporting Suspected Child Abuse, Dependent Adult Abuse or Abuse of a Student by a School Employee. The scope of this Student Sexual Misconduct policy is limited to protecting children in prekindergarten and K-12 educational programs and associated programs of the special schools.

“Sexual abuse” means any sexual offense as defined by Iowa Code chapter 709 or Iowa Code section 728.12(1). The term encompasses acts of inappropriate intentional sexual behavior by another student toward a student. Student to student acts of sexual harassment are also governed by policy on Initiations, Hazing, Bullying or Harassment and the accompanying procedure.

Sexual activity with a minor or between minors, even if consensual, may be determined to be sexual assault or sexual misconduct. Sexual assault may have occurred if one of the parties used physical force to make the other have sexual contact with him/her. Sexual assault may have occurred if one threatened the other to have sexual contact with him/her. Although these actions are not all inclusive, these are actions that when alleged will lead to investigation. The requirements of this policy are not discriminatory regardless of race, color, national origin, religion, sex, sexual orientation, gender identity, age, marital status or disability.

The special schools prohibits retaliatory action against any person filing a complaint of student to student sexual misconduct or against any person cooperating in the investigation of any charge of student to student sexual misconduct. This includes any form of intimidation, threats or harassment. The special schools prohibits an individual from knowingly filing false charges of student to student sexual misconduct. Acts of retaliation and of knowingly filing false charges of student to student sexual misconduct constitute violations of the Student Code, of the Employee Handbook and of this policy and will result in disciplinary action.

Through the investigation process the special schools personnel will make all reasonable efforts to protect the confidentiality of the alleged victim and the alleged violator. The special school's ability to protect the confidentiality of the involved students will be determined by the degree of threat or of a clear and present danger to the victim or other members of the special school community posed by the accused. To the greatest extent possible, based on an analysis of safety risk, special schools shall adhere to the confidentiality requirements set forth through the Individuals with Disabilities Act and the Family Educational Rights and privacy Act (FERPA).

The Superintendent's office including the Superintendent or designee, the Regional Director or the Director of Student Life, will coordinate all student to student sexual misconduct allegation actions including coordination of contact information, communication, investigation and reporting.

Support for the Alleged Victim

Of primary concern is the support for the alleged victim of the sexual offense. When an offense is learned of or reported the student victim's parent or guardian will be contacted immediately. The alleged victim and parent(s) will be offered the support and assistance of a trained sexual assault advocate. The parents of the victim will be encouraged to report to law enforcement and will be informed of procedures for initiating civil action. The victim and parent(s) will be provided physical and emotional support through a trained advocate.

The alleged victim and parent will be informed of victim rights which include:

- Information on reporting to law enforcement that clearly informs the victim and parent(s) of this option, if the offense had not yet been reported by school personnel;

- An opportunity for the parent and student, when appropriate and at the parent discretion, to participate in campus disciplinary hearings;
- The right of the parent and student to be accompanied by an advisor during the investigation and hearing;
- The right of the parent or student victim to provide a victim's impact statement if the accused is found in violation; and
- To the extent allowed by confidentiality laws governing special education, the right of the parent and student victim to know the outcome of the hearing, including determination and sanction imposed.

It is critical to the investigation process that incidents of student to student sexual misconduct be reported immediately and certainly within twenty four hours of the incident. Recipients of the report must report immediately to the Superintendent. Reports beyond that time frame will be investigated but the ability to determine what may have occurred will be compromised by the passage of time.

The following options are available to insure the safety of a student who might be in imminent danger of continued contact during the investigation process:

- a. Temporary removal of the alleged student victim from contact with the other student.
- b. Temporary removal of the alleged student violator from service
- c. The accused student may be restricted in activity until it has been determined if a reportable offense has occurred. If a reportable offense has occurred, the student may be recommended for change of IEP or placement review.
- d. If the accused individual is not another campus based student, the individual's presence on campus will be excluded by means of legal enforcement. A permanent exclusion from campus will be in effect if the accused is found guilty.
- e. Any other appropriate action permissible under Iowa and special education law to ensure the student's safety.

Duties of Investigator – Student to Student Sexual Misconduct Allegations

- (1) Upon receipt of the report, the investigator shall make and provide a copy of the report to the person filing and to the student's parent or guardian if different from the person filing.
- (2) Upon receipt of a report of sexual misconduct or other notice of an allegation of sexual misconduct, the investigator shall review the facts alleged to determine that the allegations, if true, support the exercise of jurisdiction.
- (3) The investigator shall notify the parent, guardian, or legal custodian of a child, in pre kindergarten through grade six, of the date and time of the interview and of the right to be present or to see and hear the interview or send a representative in the parent's place. The investigator shall interview the alleged victim as soon as possible, but in no case later than five days from the receipt of a report or notice of the allegation of sexual abuse. The investigator may record the interview electronically. The investigator shall exercise prudent discretion in the investigative process to preserve the privacy interests

of the individuals involved. To the maximum extent possible, the investigator shall maintain the confidentiality of the report.

The designated investigator's role is not to determine the guilt or innocence. The designated investigator shall determine, by a preponderance of the evidence, and based upon the investigator's training and experience and the credibility of the student, whether it is likely that an incident took place.

If, in the investigator's opinion, it is likely that an incident in the nature of a criminal sexual act occurred, the investigator shall temporarily defer further investigation and shall immediately contact appropriate law enforcement officials, notifying the student's parent or guardian and the person filing the report, if different from the student's parent or guardian, of the action taken.

If, in the investigator's opinion, an incident occurred that would not constitute a criminal sexual act but that was in the nature of inappropriate, intentional sexual behavior by the student, toward a student, further investigation is warranted. Prior to interviewing any collateral sources who may have knowledge of the circumstance contained in the report the investigator shall provide notice of the impending interview of student witnesses who are in prekindergarten through grade six, to their parent, guardian, or legal custodian, and may provide notice to the parent or guardian of older students, prior to interviewing those students.

If, in the investigator's opinion, the allegation of sexual misconduct is unfounded either because the conduct did not occur or the conduct did not meet the definition of misconduct in these rules, further investigation is not warranted. The investigator shall notify the student's parent or guardian, the person filing the report, if different from the student's parent or guardian, and the parent(s) of the other student named in the report of this conclusion in a written investigative report to the extent permitted by the Family Educational Rights and Privacy Act (FERPA) and the Individuals with Disabilities Education Act (IDEA).

Within 15 calendar days of receipt of the report or notice of alleged sexual misconduct, the designated investigator shall complete a written investigative report.

The written investigative report shall include:

1. The name, age, address, and attendance center of the alleged student victim named in the report.
2. The name and address of the student's parent or guardian and the name and address of the person filing the report, if different from the student's parent or guardian
3. The name and address of the student named in the report as allegedly responsible for the misconduct of the student

4. An identification of the nature, extent, and cause, if known, of any injuries or abuse to the student named in the report
5. A general review of the investigation
6. Any actions taken for the protection and safety of the student
7. A statement that, in the investigator's opinion, the allegations in the report are either:
 - a. Unfounded. (It is not likely that an incident, as defined in these policies and procedures, took place) or
 - b. Founded. (It is likely that an incident took place.)
8. The disposition or current status of the investigation
9. A listing of the options available to the parents or guardian of the student to pursue the allegations. These options include, but are not limited to:
 - a. Contacting law enforcement
 - b. Contacting private counsel for the purpose of filing a civil suit or complaint

The investigator shall retain the original copy of the investigative report. The person filing the report, the parent(s) or guardian(s) of the student named as the victim in the report and the parent(s) or guardian(s) of the named student shall be notified that the investigation has been concluded and of the disposition or anticipated disposition of the case to the extent permitted by the Family Educational Rights and Privacy Act (FERPA) and the Individuals with Disabilities Education Act (IDEA).

Training for Investigators

Annual in-service training will be provided for the designated investigator and the alternate(s).

Training for Employees

Annual in-service of Chapter 102 reporting of abuse of student(s) by school employee(s), student to student sexual misconduct policy, anti-bullying harassment policy and mandatory reporting of child abuse to the Department of Human Services will be provided to all special school employees.

Related Policies and Procedures:

Handbook Section IBS

Sexual Harassment Policy

Grievance Procedure Under Affirmative Action: Race, Ethnicity, Religion, Sex, Sexual Orientation, Gender Identity, Age, Handicap, Title IX, Sexual Harassment

Employee Code of Conduct

Anti-Bullying/Harassment Policy

Student Handbook Provision, Initiations, Hazing, Bullying or Harassment

Procedure For Notification In Case Of Suspected Or Reported Student-To-Student Bullying, Sexual Harassment Or Abuse

Procedure for Reporting Suspected Child Abuse, Dependent Adult Abuse or Abuse of a Student by a School Employee

REGENTS POLICIES

- 4.30 Policies on Harassment
- 6.30 Abuse Policy at the Special Schools
- 6.32 Student Wellness Policy for the Special Schools
- 6.33 Anti-Bullying/Harassment at the Special Schools
- 6.34 Illegal Items at the Special Schools or in a Student's Possession <

ISD employee handbook policies:

- Section IV E Policy on Harassment and Violence
- Section IV F Grievance Procedures
- Section IV H Student Staff Relations Policy
- Section IV I Procedure for Reporting Suspected or Alleged Child Abuse
- Section V Employee Code of Conduct and Right to Grievance and

Appeals

ISD Handbooks (2007)

- Child Abuse Reporting Policy
- Nondiscrimination Policy
- ISD High School Code of Conduct
- Students Charged with Criminal Offenses
- Harassment and Bullying
- Student Grievance Procedure
- Guidelines for Success
- ISD Rules of Conduct
- Discipline Policy

Federal Laws

- Family Educational Rights and Privacy Act (FERPA)
- Individual with Disabilities Education Act (IDEA)
- Title IX