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)
- University of Iowa 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

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INTRODUCTION

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

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

GENERAL STATEMENT OF POLICY

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

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

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

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

Students who would like to discuss their situations in a private environment, and share or seek information about a sexual misconduct issue without making a formal complaint, may consult RVAP (the Rape Victim Advocacy Program)(335-6000), the University Counseling Service (335-7294), the Office of the Ombudsperson (335-3608), the Women’s Resource and Action Center (335-1486), or Faculty and Staff Services/Employee Assistance Program (335-2085). All of these offices commit to
keeping their communications with students private. In addition, under Iowa law, student
communications with certain individuals are legally confidential. When seeking private
advice and support from these offices or from any university employee, students should
always confirm whether confidentiality applies to their communications with the person
to whom they are speaking.

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

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

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

DEFINITION OF SEXUAL MISCONDUCT, INCLUDING SEXUAL ASSAULT AND
SEXUAL HARASSMENT

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. The term includes sexual assault, sexual harassment, sexual exploitation,
and sexual intimidation as those behaviors are described later in this section. Sexual
misconduct can be committed by men or women, and it can occur between people of the
same or different sex.

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

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.

**EXAMPLES OF SEXUAL MISCONDUCT**

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

Sexual Assault [hyperlink]
Sexual Harassment [hyperlink]
Sexual Exploitation [hyperlink]
Sexual Intimidation [hyperlink]

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

**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.

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

- Sexual intercourse (vaginal or anal)
- Oral sex
- Rape or attempted rape
- Penetration of an orifice (anal, vaginal, oral) with the penis, finger, or other object
- Unwanted touching of a sexual nature
- Use of coercion, manipulation, or force to make someone else engage in sexual touching including breast, chest and buttocks
• Engaging in sexual activity with a person who is unable to provide consent due to
  the influence of drugs, alcohol, or other mental or physical condition (e.g. asleep
  or unconscious)

Sexual Harassment

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

• Submission or consent to the behavior is believed to carry consequences for the
  student's education, employment, on-campus living environment, or participation
  in a university activity

  o Examples of this type of sexual harassment include pressuring a student to
    engage in sexual behavior for some educational or employment benefit, or
    making a real or perceived threat that rejecting sexual behavior will carry
    a negative consequence for the student.

• The behavior has the purpose or effect of substantially interfering with the
  student's work or educational performance by creating an intimidating, hostile, or
demeaning environment for employment, education, on-campus living, or
  participation in a university activity.

  o Examples of this type of sexual harassment can include persistent
    unwelcomed 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; or verbal abuse of a sexual nature. Comments or
    communications could be verbal, written or electronic. Behavior does not
    need to be directed at or to a specific student, but rather may be
    generalized unwelcomed and unnecessary comments based on sex or
    gender stereotypes.

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

Sexual Exploitation

Sexual exploitation involves taking non-consensual sexual advantage of another person.
Examples can include, but are not limited to the following behaviors:
• Electronically recording, photographing, or transmitting intimate or sexual utterances, sounds, or images without the knowledge and consent of all parties involved
• Voyeurism (spying on others who are in intimate or sexual situations)
• Distributing intimate or sexual information about another person without that person’s consent

Sexual Intimidation

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

RESOURCES AND SUPPORT FOR STUDENTS

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

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

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

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

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

Academic and Housing Accommodations; Interim Actions to Protect Students

A student who believes he or she has been the victim of sexual misconduct, as well as a student who has been accused of sexual misconduct, may contact the Sexual Misconduct Response Coordinator to request any of the following, when related to the incident or accusation of sexual misconduct:
• A change of the student’s on-campus housing location to a different on-campus location if alternate on-campus housing is available;
• Assistance in exploring alternative housing off-campus;
• Assistance in securing a transfer of class sections;
• Assistance in arranging incompletes, leaves or withdrawal;
• Issuance of a no-contact directive if the university determines that continued contact between a student who has filed a complaint, a student who has been accused of sexual misconduct, and/or a witness would be detrimental to any of the parties’ welfare.
• Other interim actions, when necessary to protect student welfare, such as interim suspensions.

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

Protection against retaliation

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

Medical Assistance

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

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

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

University of Iowa Hospitals and Clinics
Emergency Treatment Center (open 24 hours)
200 Hawkins Drive
Carver Pavilion, Level 1
Iowa City, IA 52242
Students who have experienced sexual misconduct are encouraged to seek the assistance of the University of Iowa Department of Public Safety. If a student is not sure whether criminal conduct is involved, an officer can assist the student in determining whether a crime has been committed. If the sexual misconduct occurred off-campus, an officer can assist the student in contacting the appropriate law enforcement agency. A student can request and receive the assistance of the UI Department of Public Safety without filing a criminal complaint or making a complaint to the university.

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

If a student contacts UI Public Safety, an officer will

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

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

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

MAKING A FORMAL COMPLAINT OF SEXUAL MISCONDUCT

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

- A student can make a formal complaint about sexual misconduct to the university administration
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.

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

How to make a formal complaint to university administration

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

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

When to make a complaint

There is no time limit on making a complaint to university administration. However, students are strongly encouraged to report incidents of, or share information about, sexual misconduct as soon as possible after the incident occurred. The university may ultimately be unable to adequately investigate if too much time has passed or if an accused individual has left the university. Other 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.

Making a report or a formal complaint to law enforcement

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

In non-emergency situations, criminal sexual misconduct, including sexual assault, should be reported to the law enforcement agency that has jurisdiction over the location where the assault or abuse occurred. Non-emergency reports to law enforcement may be made as follows:
If the incident occurred on University of Iowa property, call the University of Iowa Department of Public Safety at 335-5022.
If the incident occurred in Iowa City, call the Iowa City Police Department at 356-5275.
If the incident occurred in Coralville, call the Coralville Police Department at 248-1800.
If the incident occurred in another area of Johnson County, call the Johnson County Sheriff’s Department at 356-6020.

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

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

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

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

**On-Campus Violations:** This policy forbids acts of sexual misconduct anywhere on campus. “Campus” includes university-owned or leased property, streets and pathways contiguous to university property or in the immediate vicinity of campus. It also includes the property, facilities and leased premises of organizations affiliated with the university, including 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:** Off-campus violations, including online behavior, that affect a clear and distinct interest of the university are subject to disciplinary sanctions. For example, sexual misconduct by a student is within the university’s interests when the behavior:

- Involves conduct directed at a university student or other member of the university community;
- 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.

**RESOURCES AND SUPPORT FOR STUDENTS WHO ARE ACCUSED OF SEXUAL MISCONDUCT**
Confidential resources

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

Academic or Housing Accommodations

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

Due Process

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

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

University prohibition against knowingly false complaints

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

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

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

Additional On-Campus and Off-Campus Resources for Students
Description of University Procedures for Investigating and Adjudicating Formal Complaints of Sexual Misconduct

Description of Reporting Obligations of University Faculty and Staff Who Learn of Alleged Incidents of Sexual Misconduct

Description of Rights of Students Who File Complaints and of Students Accused of Sexual Misconduct