

Contact: Thomas Evans

**REPORT ON THE UNIVERSITY OF IOWA'S COMPLIANCE WITH POLICY AND
PROCEDURES WHILE INVESTIGATING A SEXUAL ASSAULT COMPLAINT**

Action Requested: Receive the report on the University of Iowa's compliance with policies and procedures and statutes while investigating an allegation of sexual assault on campus.

Executive Summary: On November 16, 2007, the Board of Regents requested the Board Office to review the University of Iowa's compliance with University and Board policies and procedures and applicable statutes while investigating an alleged sexual assault that occurred on campus on October 14, 2007. The Board further requested the Board Office to examine whether current policies and procedures are adequate.

Background:

Policy History

In November, 2002, Interim President Boyd asked the Board in Control of Athletics (BICOA) to review the manner in which the Pierre Pierce case was handled and recommend necessary changes to insure that similar situations in the future are handled appropriately. In December, 2002, President Boyd appointed an internal committee to conduct a similar investigation.

In January, 2003, BICOA released its findings and recommendations to the University (Colangelo Report – Attachment 1). The report listed a variety of concerns with the handling of the Pierce case, including: 1) the University's failure to include a range of SUI officials during the settlement process; 2) inappropriate public statements made by representatives of the Athletics Department; 3) apparent insufficiencies in the amount and timeliness of support provided to the victim; and 4) the fact that the status of the accused as an athlete dominated the focus of the investigation. The committee recommended that the University include a suspension policy in the Athletic Handbook that delineated between mandatory and discretionary suspensions. BICOA also suggested that additional training on rule enforcement be provided for the coaching staff, that a sexual assault resource list be developed and provided to the athletic staff, and that a sexual assault compliance officer be established within the Athletics Department.

The internal investigative committee released its report in April, 2003 (Raymond Report – Attachment 2). The internal committee found that the victim was not adequately apprised of all the options available to her, nor was she referred to appropriate persons in a timely manner. The internal report stated that these deficiencies were "partly a function of the somewhat confusing and overlapping jurisdiction of different University offices and personnel in responding to such complaints." The fact that a single complaint could, in theory, be filed with and investigated by more than one department made it difficult for advisors to adequately comprehend and explain the wide array of available procedures. To remedy the situation, the committee recommended that the University centralize the investigation of allegations of sexual assault within a single office, and provide faculty and staff with additional training on available options. At the time the Office of Affirmative Action, which later became the Office of Equal Opportunity and Diversity (EOD), was suggested. The internal committee also noted concern with

the University's role in the settlement process; the making of inappropriate public statements by the athletic department; the lack of limitations on the Athletic Department's involvement in the process; and the absence of clear rules within the Athletic Department which allowed for unnecessary discretion. The committee further recommended that the Athletics Department develop firm policies regarding interim sanctions and protocols for when an athlete is charged with a crime or misconduct. It was also suggested that the University refrain from involving itself in the legal resolution of criminal complaints for the purpose of protecting its ability to institute internal disciplinary sanctions.

Following the release of the BICOA report, the University charged the Committee on Campus Climate with the task of examining personal safety and freedom from sexual harassment within the general campus community. The committee released its report in September, 2003 (Attachment 3). This report noted positively that the University's current reporting procedures provided victims with a variety of options for filing a complaint, but found numerous practical disadvantages related to the decentralized nature of the system. The report indicated that the current system led to inconsistent application of internal policies, inconsistent handling of cases, inadequate victim protection against retaliation, confusion regarding the best place to file a claim, inconsistencies in the treatment of accused, and perceived and actual conflicts of interest. The committee recognized the need for greater simplicity and consistency, but did not recommend that the investigation process be centralized within a single department. Rather, the report stated that current policies should be amended to require that victims be informed of the services provided by the Rape Victim Advocacy Program (RVAP). The report also recommended that the University improve communication of relevant policies and provide additional training to students and staff.

In June, 2003, the University announced its acceptance of BICOA's recommendations. At this time steps had already been taken to implement the committee's suggestions, including reinstating the Student Athlete Welfare Committee and naming Mary Curtis as the Athletic Department Compliance Officer. The University also announced that it would implement all but two of the internal committee's suggestions. President Skorton then directed the Presidential Committee on Athletics (PCA) and the Department of Athletics to develop a Student Athlete Code of Conduct. In February, 2004, the PCA unanimously endorsed a version of the student athlete code, and the document was forwarded to President Skorton for final approval. The language of the current *Student-Athlete Code of Conduct* has been simplified for ease of readability, but the substantive material regarding categories of misconduct, sanctions to be imposed, and notice and appeal has been retained (Attachment 15). The *Student-Athlete Code of Conduct*, as well as *Student Code of Conduct*, *Policy on Sexual Harassment*, *Policy on Violence* and *Sexual Assault Policy* are included and/or referred to in the *Student-Athlete Handbook* (Attachment 16). The Handbook is provided to student-athletes and annual training is provided on the policies during fall orientation.

In response to the recommendations of the Campus Climate Committee report the University launched a sexual harassment awareness campaign in the fall of 2006. The campaign, entitled Sexual Harassment Can Happen Anywhere, includes a website that informs victims of applicable University policies and directs victims where to file a complaint and what victim services are available. As part of the campaign, posters are posted throughout the University, informational cards are mailed to all students living in the residence halls, and ads are placed in *The Daily Iowan*. The University has also

taken steps to provide additional training for faculty and staff on sexual harassment policies and procedures. In 2007 the Office of Equal Opportunity and Diversity implemented the Sexual Harassment Train-the-Trainer Program. Under this program 24 representatives from various departments were provided three sessions of comprehensive sexual harassment training. These representatives were then given the task of training academic and administrative officers and teaching assistants within their respective departments. Follow-up training is then provided on an annual basis. An on-line training course, AlcoholEdu, is used to educate students about the dangers of alcohol as it relates to sexual assault. The course was implemented in 2006 as mandatory for all in-coming freshmen.

The University continues to take steps to raise awareness on the issue of sexual assault. President Mason authorized the use of an external vendor for the development of an online training course on University policies and procedures. The program is expected to be implemented in Fall 2008. An interactive public lecture on sexual harassment and assault was held on April 17, 2008. The Nite Ride Program, which was launched in September, 2007, was recently expanded to cover weeknights as well as weekends.

The University of Iowa has committed to, or undertaken, many additional steps that are outlined in a memorandum and attachments prepared by the Office of Equal Opportunity and Diversity (EOD) (Attachment 5). Please refer to the EOD attachments for additional information on the steps taken by the University to address concerns raised in the Colangelo, Raymond, Campus Climate and CSW reports (Attachment 4).

Current University Policies and Procedures

The Division of Student Services has adopted a sexual assault policy as part of its *Policies and Regulations Affecting Students* (Attachment 11). This document defines what constitutes sexual assault, provides information on counseling and advocacy services, and outlines generally the options for reporting. The sexual assault policy indicates that the Office of Equal Opportunity and Diversity (EOD) is the administrative department designated to investigate disciplinary complaints of sexual assault involving faculty, staff, or students.

The University of Iowa adopted a *Policy on Violence* (Attachment 8), which is applicable to all faculty, staff, and students. This policy prohibits violent conduct of University community members including, but not limited to: physical assault or abuse, sexual assault or abuse, threats with a weapon, threats of physical or sexual assault, intentional damage of property, and violent conduct prohibited by Iowa Code. It also sets the appropriate procedures for reporting and investigating alleged violations. Section 10.1 of the policy directs students to seek assistance for alleged violations through either the Office of the Vice President for Student Services (VPSS) or the Department of Public Safety. If the conduct complained of may be related to sexual harassment or discrimination, then assistance is available through EOD.

A complaint of a violation of the *Policy on Violence* may be brought by any member of the University community, including a third party, or by the University itself. An informal complaint may be brought to any academic or administrative officer who will assist in informal resolution and monitor compliance. A specific, credible allegation of violence that is based on a protected classification covered by the *Human Rights Policy* (Attachment 6) (race, creed, color, national origin, age, sex, disability, sexual orientation,

gender identity, or any other classification that deprives the person of consideration as an individual) shall be promptly reported to the Office of EOD. If the alleged violation based on a protected classification occurred in a residence hall, then the Office of the Vice President for Student Services (VPSS) should be contacted. EOD or VPSS will then assist in evaluating the situation and determining an appropriate course of action, even if the alleged victim has requested that no action be taken. Formal complaints in which the accused is a student are typically filed with VPSS. If the complaint involves violence based on a protected classification, then a formal complaint should be filed with EOD, regardless of the status of the alleged perpetrator.

The *Policy on Violence* recognizes that there are a number of university policies that may be applicable in a given situation. University officials are directed to consult the various university policies to determine which would be most effective in addressing a particular complaint. Complaints of sexual assault are also covered by the *Sexual Harassment Policy*, and should be resolved in accordance with its provisions.

The *Sexual Harassment Policy* (Attachment 7) states that a complaint may be brought formally or informally by any member of the University community. In determining whether to investigate a complaint the University will generally give substantial weight to the wishes of the victim. However, the University may choose to proceed with an investigation without the victim's consent if the complaint is particularly egregious or is one of many against the same individual. The policy lists a variety of confidential resources available to assist an alleged victim during the investigation should he/she so desire. Included among these services are Office of the Ombudsperson, Faculty and Staff Services, University Counseling Service, Women's Resource and Action Center (WRAC), and the Rape Victim Advocacy Program (RVAP).

An alleged victim may bring a complaint informally to any academic or administrative officer within the University. This individual will counsel the victim as to available resources and options and either assist in resolution of the complaint or refer the victim to EOD. When an informal complaint is brought, the accused is generally not informed of the allegations unless circumstances warrant. Additionally, no disciplinary action may be taken unless the accused is notified of the charges and provided an opportunity to respond. Any specific, credible allegation of sexual harassment or assault must be reported to EOD so that it may assist in evaluating the situation and determining the appropriate course of action. EOD must be notified, even when the victim has requested that no action be taken.

A formal complaint must be pursued through the Office of EOD. A formal complaint may be brought when informal resolution is not successful, when the terms of an informal resolution are not followed, or immediately. In conducting its investigation, EOD shall make reasonable efforts to interview the alleged victim, the accused, and other persons believed to have pertinent information. During a formal investigation the accused is informed of the identity of the victim and all the facts entailed in the allegation, and is provided with an opportunity to respond. EOD shall normally issue a written statement of its findings within forty-five (45) days of the filing of a formal complaint. When it is not reasonably possible to issue the finding within that time, the Office of EOD will notify the alleged victim and the respondent that the finding will be delayed and indicate the reasons for the delay. If EOD determines that there is a reasonable basis for believing that a violation has occurred, and the accused is a student, it shall refer the matter to the

VPSS for disciplinary action. It is important to note that EOD does not have the authority to impose disciplinary sanctions.

Should EOD find a reasonable basis for believing that a violation of the *Sexual Harassment Policy* has occurred it must refer the matter to the appropriate administrator for further review and disciplinary action. If the alleged perpetrator is a student, then VPSS is responsible for reviewing the findings of EOD. VPSS may accept or reject all or any part of EOD's findings; reach a negotiated settlement with the alleged perpetrator; or initiate formal disciplinary action. If VPSS determines that formal disciplinary action is warranted, then the *Judicial Procedure for Alleged Violations of the Code of Student Life* (Attachment 9 and 10) shall govern. This policy outlines the procedural rights that a student facing formal disciplinary action is entitled to, including: appropriate notice of charges being brought and witnesses who may be called; the right of the accused to present his case at a hearing; and the right to seek appeal with the Provost's Office.

When a complaint is filed alleging that a student has committed a sexual assault, the Dean of Students may impose interim sanctions as appropriate in consultation with the Office of Equal Opportunity & Diversity. A University no-contact order may be issued, and the student accused of assault is told in writing that any contact with the complainant will result in disciplinary action. In addition, the accused student may be involuntarily transferred to a different residence hall, different class, or different work unit following receipt of a complaint depending upon the circumstances of the case and available alternatives. University policy prohibits a student accused of misconduct from retaliating against the complainant or witnesses, regardless of the outcome of the complaint. All instances of retaliation shall be reported to EOD for investigation, and disciplinary action may be taken if warranted.

The Department of Athletics has promulgated a series of action steps to guide staff through the process of assisting an alleged victim of sexual assault or harassment. The document instructs staff members to inform the victim of their role and that they have a responsibility to report such incidents within the University. Staff must then inform the complainant of available resources and the option to pursue the complaint formally or informally. Staff are required to report the situation to the department's Sexual Harassment Compliance Officer, Mary Curtis, who will then consult with EOD. EOD will assist the Athletics Department with an informal resolution or conduct a formal investigation if requested (Attachments 12-14).

In addition to informing the victim of available channels within the University, staff are instructed to provide the victim with options outside the University. This includes seeking assistance from the Rape Victim Advocacy Program (RVAP), seeking medical assistance, contacting the appropriate legal authorities, or taking no action at all. The victim is provided with a resource list that includes appropriate contact information as well as brief descriptions of all the options available.

Department of Public Safety

The SUI Department of Public Safety is a full service law enforcement agency that remains in operation twenty-four hours a day, seven days a week. Public Safety maintains jurisdiction over crimes that occur on University property. The department is comprised of three divisions: Police, Investigative, and Security. The Police and

Investigative divisions are staffed by state certified peace officers who have full arrest powers.

According to both the department website and the Division of Student Services policy on Campus Crime Information, faculty, students, and staff are instructed to contact the Department of Public Safety regarding information related to a crime or emergency situation occurring on campus. The website further indicates that non-criminal incidents may be reported to one of four administrative departments within the University, and that Public Safety may refer cases to the University when criminal charges do not apply. When an alleged crime is reported to Public Safety, an officer is assigned to conduct the investigation. If there is a reasonable basis for believing that a known individual has committed a crime, then Public Safety will charge the individual and refer the case to the Johnson County Attorney for prosecution. The policy further indicates that where the accused is a University student, faculty, or staff member, a follow-up administrative investigation is likely to occur. This may result in administrative sanctions imposed by the University in addition to any criminal penalties.

The Department of Public Safety's website directs victims of sexual assault to contact law enforcement authorities, even if they are unsure as to whether or not they will press charges. The site further indicates that the department is committed to insuring that victims are provided with comprehensive care. In order to accomplish this, Public Safety works closely with RVAP, university counseling services, and UIHC.

In addition to being responsible for the investigation of criminal activity occurring on campus, the Department of Public Safety is the entity responsible for maintaining daily crime logs, compiling and releasing Clery Act statistics, and issuing timely campus-wide warnings regarding on-going threats to the community. The crime log and statistics are readily accessible through the department's webpage. Timely warnings may be issued in one of three ways. Crime alerts are posted on-line at both the department's page and on the University homepage. The HawkAlert emergency notification system enables public safety to send recorded or electronic messages to cell phones, land lines, and e-mail accounts. Finally, the outdoor warning system broadcasts tone and voice messages throughout campus.

Clery Act Requirements

The Jeanne Clery Act requires colleges and universities who participate in federal financial aid programs to comply with certain reporting requirements related to criminal activity occurring on or in close proximity to campus. While the statute covers all types of crimes, a separate section focuses solely on sexual assault (Attachments 18 and 19).

On an annual basis universities are required to distribute a report to all currently enrolled students and university employees. This report includes a breakdown of blind statistics concerning the rate of occurrence of crimes committed both on-campus and in non-campus areas of close proximity. The report must also include descriptions of policies and procedures concerning campus security and law enforcement. These policies must detail the enforcement authority of campus security personnel and encourage accurate and prompt reporting of all crimes to campus police or local law enforcement. The Clery Act also requires universities to have in place programs designed to inform students and employees about crime prevention.

Universities must maintain a daily written crime log recording all crimes reported to campus police. This log should include the nature, date, time, and general location of the crime as well as the disposition of the complaint. Disclosure of information may be limited if it is prohibited by law or would otherwise jeopardize an on-going investigation. The Clery Act also requires universities to issue timely warnings of those crimes reported to law enforcement authorities which are considered by the institution to represent a serious or continuing threat to students and employees. Timely warnings should be issued communitywide as soon as the pertinent information is available. The determination of when a timely warning is warranted should be made on a case-by-case basis in light of all the facts involved in individual situations.

Subsections 1-7 of the act apply to all categories of crime. Sexual assault, however, is addressed separately under subsection 8. Subsection 8(B) requires universities to develop and include in the annual report a statement of policy describing campus sexual assault programs and the procedures to be followed once a sexual assault has occurred. The procedures must indicate who the assault should be reported to, inform the student of the importance of evidence preservation, notify students of available counseling and victim resources, and provide assistance in the changing of living situations if requested by the student. It must also outline internal disciplinary procedures and applicable sanctions. When it comes to crime generally, subsection 1(C)(ii) requires universities to develop policies that “encourage accurate and prompt reporting of all crimes to the campus police and the appropriate police agencies.” In contrast, under subsection 8(B) universities are only required to inform victims of sexual assault of the *option* of contacting law enforcement authorities, and that the university will assist in this process at the victim’s request.

Iowa Code

The Jeanne Clery act was passed in 1990. In 1992, the Iowa General Assembly amended Chapter 262.9 to include subsection 27, which requires the Board to “Develop and implement a written policy, which is disseminated during registration or orientation, addressing the following four areas relating to sexual abuse: a. Counseling; b. Campus security; c. Education, including prevention, protection, and the rights and duties of students and employees of the institution; and d. Facilitating the accurate and prompt reporting of sexual abuse to the duly constituted law enforcement authorities.” (Attachment 20).

Both the timing of the amendment and the legislative history behind it indicate that the section was intended to assure full compliance with the Clery Act. Early drafts of the amendment included much more detailed subsections that mirrored the language of the federal statute. These proposals stated that universities were required to develop policies that included rights and duties of students and personnel, information regarding campus security measures, options for reporting and investigation, and reporting of statistics regarding the number and nature of occurrences to the appropriate entity.

Although the current version of Iowa Code section 262.9(27) is not as detailed as earlier versions, it should be construed in light of its legislative history. The amendment was intended to assure compliance with federal law; thus, the statement requiring policies to facilitate accurate and prompt reporting of sexual abuse should be read consistent with the mandates of the Clery Act. Since the Clery Act does not require universities to report individual allegations of sexual assault to law enforcement, it would be illogical

and inconsistent to construe the Iowa Code in this manner. Rather, this subsection should be read as requiring the reporting of blind statistics regarding sexual assault to the appropriate authorities for inclusion in the annual crime report. Alternatively, the statement should be interpreted as requiring universities to develop a policy that informs alleged victims of their option to contact the police and that the university will assist the individual in doing so if requested. Any other interpretation, particularly one mandating reporting of individual incidents to legal authorities, would be inconsistent with the Clery Act and the legislative history of the amendment.

Fall 2007 Incident Timeline

The content of this section is considered confidential as it contains student education records protected from disclosure under the Family Educational Right to Privacy Act of 1974 (Buckley Amendment), 20 U.S.C. 1232g, and confidential pursuant to Iowa Code section 22.7(1) and will be presented in closed session pursuant to Iowa Code section 21.5 (1)(a).

Analyses

Compliance with Internal Policies:

The policies and procedures governing allegations of sexual assault at the University of Iowa are necessarily victim driven. They provide the victim with the option of filing an informal or formal complaint within the University, filing a complaint with legal authorities or taking no action at all. The policies also allow the University to elect to pursue a formal investigation and disciplinary action if it deems the alleged offense to be egregious enough, although it typically makes an effort to abide by the direct wishes of the alleged victim.

After a comprehensive review of the facts of the alleged incident and each of the applicable University policies, it is clear that University officials fully complied with internal procedural requirements. The University fully explained the various reporting options to the alleged victim, conducted investigations as required, offered the victim appropriate accommodation and expressed full support for the victim regardless of the option she elected to pursue.

Allegations of sexual assault are currently covered by both the *Policy on Violence* and the *Sexual Harassment Policy*. These policies indicate that complaints of sexual assault in which the perpetrator is a student shall be reported to EOD, except for allegations against a student regarding conduct occurring in the residence halls, which shall be reported to VPSS. When the accused is a student-athlete the Department of Athletics is responsible for conducting informal investigations in consultation with EOD. A formal investigation may then be conducted by EOD. If the allegation is substantiated, the complaint is then sent to VPSS for further review and disciplinary action if warranted. Additionally, the Department of Public Safety advocates that victims of sexual assault should contact campus law enforcement authorities, regardless of whether charges are to be filed, and that it will conduct an investigation into the complaint and assist the victim in obtaining appropriate counseling and other services.

The incident in question involves an allegation of sexual assault allegedly perpetrated by student-athletes in a University residence hall. Given the nature of the alleged violation and the actors involved, multiple offices and departments could potentially claim

jurisdiction over the investigation of the complaint. In fact, the violation was reported to three separate offices (VPSS, EOD, and Department of Athletics), and it was investigated by both the Department of Athletics and EOD. Under current University policy, the complaint could also have been investigated by Public Safety. The ad hoc committee noted in its 2003 review of University policy, this type of system leads to confusion for university officials and victims alike. As the committee recommended in 2003, to resolve any future confusion and facilitate the prompt and accurate resolution of complaints of sexual assault the University should consolidate the formal and informal investigatory functions within a single office. All departments, including the Department of Athletics, should not be delegated any direct involvement in the investigation of future allegations of sexual assault that arise out of their department. Instead the investigation should be conducted by a single office. The benefit of a single office is that the investigation will be conducted by trained individuals who are familiar with sexual assault investigations and University policies and procedures. Additionally, removal of the department the complaint arose under from the investigation process will facilitate prompt and accurate resolution of the complaint, avoids confusion for University officials and the victim, and eliminates the potential for conflicts of interest and the appearance of impropriety.

According to the Division of Student Services sexual assault policy, victim advocacy services are available through RVAP. Trained advocates assist victims of sexual assault in navigating complaint procedures, both internally and with the police. An advocate often acts as a liaison between the victim and University officials or the police when an investigation is being conducted. They provide the victim with critical information, support and assistance in evaluating various avenues of recourse and in navigating the University's disciplinary complaint process or the criminal justice system. Advocates may also assist in connecting the victim with appropriate counseling or medical services.

The University should review its current practices to ascertain whether adequate advocacy services are available and being utilized effectively. RVAP currently has approximately 40 volunteer advocates available for assistance in the Iowa City community at large. There is no guarantee that these volunteers have particular knowledge of the University's internal complaint procedures. If the University determines that these resources are not sufficient, it should consider training individuals within the university on effective victim advocacy and/or establish a University centralized resource that provides victim intervention services similar to the University of Northern Iowa's Violence Intervention Services program.

The University needs to assure that information on how to properly report a sexual assault, either internally or with the local authorities, is readily accessible to the University community at large. Information regarding the University's sexual assault policy and programs is provided to new students at orientation (Attachment 16). Each year a copy of the sexual assault policy and programs is mailed to every student and employee, along with the *Code of Student Life*, the *Sexual Harassment Policy*, the *Policy on Violence* and Campus Security Statement. Additionally, the sexual assault policy and programs is currently available on the University website. However, an individual must navigate through a series of policies and procedures on the University's website before any relevant contact information is uncovered. It is imperative that this information must be readily accessible, in a simplified form, to all individuals on campus. The University has made considerable efforts to raise awareness of sexual assault issues over the past few years. This has included a poster campaign, invited lectures, and information

disseminated at new-student orientation. The University should assess these efforts to determine whether they are truly effective in providing necessary information to the University community.

Compliance with the Clery Act and Iowa Code:

It is also clear that the University complied with the mandates of the Clery Act and Iowa Code chapter 262.9. The University has implemented comprehensive policies pertaining to the internal investigation and disposition of allegations of sexual assault. The *Policy on Sexual Harassment and Violence Policy* details the specific steps that are to be taken once an allegation of sexual assault has been reported, including whom the victim should contact when filing a complaint. It includes procedural protections that assure the victim and the accused are offered a fair opportunity to state their respective cases during an investigation, and it indicates possible sanctions if a violation is found to have occurred. The policy accommodates any desired schedule or living changes, and mandates that the victim be apprised of counseling and other social services as well as the numerous internal and external options for resolving a complaint. This includes the option of contacting the local police.

The Clery Act does not direct universities as to what constitutes proper procedures for addressing allegations of sexual assault. It simply states the university must have a policy in place and outlines generally what needs to be included. Thus, it is not improper for the University of Iowa to charge the Athletic Department with the task of conducting an informal investigation, while reserving authority over the formal investigation with EOD. However, in order to avoid confusion for University officials and the victim, and eliminate the potential for conflicts of interest and the appearance of impropriety the University should centralize the entire investigatory process within a single body, and not delegate investigatory authority over sexual assault complaints to the department the complaint arose under.

As required under the Clery Act, the University of Iowa currently has a system in place for issuing timely warnings to the university community. Given the nature of the allegations and the fact the identity of the accused was known the University did not feel that a campus-wide warning was warranted. Upon review it appears that the University's decision was correct. However, the University arrived at this decision without consulting the Department of Public Safety. In fact DPS was not aware of the incident until the victim contacted them herself some three weeks after the alleged incident occurred.

The University should consider whether it would be appropriate to notify DPS when it receives information of an alleged sexual assault. Reporting the sexual assault to DPS does not commit a victim to pressing charges or to prosecuting the alleged assailant. However, promptly reporting an assault helps create the strongest case possible in the event that the victim decides to pursue criminal charges and/or university disciplinary action. Moreover, crime victims can be eligible for financial compensation through the Crime Victim Compensation Program. In Iowa, the crime must be reported to local law enforcement officials with 72 hours of the assault to be eligible for compensation unless there is good cause for the delay.

Recommendations

1. The University should consider consolidating the formal and informal investigatory functions for sexual assault complaints within a single office.
2. All departments, including the Department of Athletics, should not be delegated any direct involvement in the investigation of allegations of sexual assault that arise out of their department.
3. The University should review its current practices to ascertain whether adequate advocacy services are available and being utilized effectively.
4. The University should consider training individuals within the University on effective victim advocacy and/or establish a University centralized resource that provides victim intervention services.
5. The University should review its current practices to assure that information on how to properly report a sexual assault, either internally or with the local law enforcement authorities, is readily accessible to the University community at large.
6. The University should consider whether it would be appropriate to notify DPS when it receives information of an alleged sexual assault.
7. The University should consider whether DPS should be consulted regarding whether a campus wide warning should be issued when an alleged sexual assault is reported to University officials.

Attachments

1. BICOA (Colangelo) Report (January 2003)
2. Ad Hoc Committee (Raymond) Report (April 2003)
3. University of Iowa Committee On Campus Climate Final Report (September 2003)
4. Sexual Harassment and Unwelcomed Behavior at the University of Iowa—CSW Report (2005) (Executive Summary, pp. i-xii)
5. University of Iowa Press Release dated May 10, 2006
6. President Skorton’s Memo to the UI Community – Follow up on Presidential Action on Campus Climate Committee Report and Sexual harassment and Unwelcomed Behavior at the University of Iowa Report and chart itemizing each recommendation contained in the reports and actions taken and planned
7. Memorandum and attachment from Jennifer Modestou, Director, University of Iowa Office of Equal Opportunity and Diversity
8. University of Iowa Human Rights Policy
9. University of Iowa Sexual Harassment Policy
10. University of Iowa Violence Policy
11. University of Iowa Code of Student Life
12. University of Iowa Judicial Procedure for Alleged Violations of the Code of Student Life
13. University of Iowa, Division of Student Services web page “Policies & Regulations Affecting Students – Campus Crime Information – Sections A-F
14. University of Iowa Athletics Department Resource and Referral Options For Victims of Sexual Assault
15. University of Iowa Athletics Department Initial Notification Procedures for Student-Athlete Incidents
16. University of Iowa Athletics Department Sexual Harassment or Assault Action Steps
17. University of Iowa Student – Athlete Code of Conduct

18. 2007-2008 Student-Athlete Handbook (pp. 1-7)
19. University of Iowa 2007 Orientation Handbook
20. University of Iowa Residence Hall Guidebook
21. Clery Act, 20 U.S.C. § 1092(f) Disclosure of campus security policy and campus crime statistics
22. U.S. Department of Education, Office of Postsecondary Education, *The Handbook for Campus Crime Reporting*, Chapter 9 - Policies Regarding Sex Offenses and Offenders, pp. 103-106
23. Iowa Code § 262.9(27)

The attachments are available for public inspection in the Board Office or may be viewed on line at the following link.

<http://www2.state.ia.us/regents/Meetings/DocketMemos/08Memos/jun08/june2008.htm>