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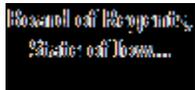
**From:** Koppin, Sheila Doyle [BOARD]  
**Sent:** Monday, July 23, 2012 3:41 PM  
**To:** Carroll, Nicole; Craig Lang (calangfarm@gmail.com); Dave Miles; Downer, Robert; Harkin, Ruth; Jack Evans; Johnson, Greta A; Mulholland, Katie; Rastetter, Bruce  
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**Subject:** Board of Regents, State of Iowa Higher Education Center for Alcohol, Drug Abuse, and Violence Prevention.htm

Regents,

Bob Donley asked that I forward the attached information released last week by the U.S. Department of Education Higher Education Center for Alcohol, Drug Abuse and Violence Prevention. The Iowa Board of Regents was used in a case study on model violence policies in higher education.

Please let us know if you have any questions. Thank you.

Sheila



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The U.S. Department of Education's

**HIGHER  
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for Alcohol,  
Drug Abuse, and  
Violence Prevention



## Board of Regents, State of Iowa

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### ***Leadership in Violence Prevention***

Created by the Iowa General Assembly in 1909, the Board of Regents, State of Iowa, is a group of nine citizens who govern five public educational institutions in the state through policymaking, coordination, and oversight, as provided by law. The Board of Regents enhances the quality of life for Iowans by maintaining the educational quality, accessibility, and public service activities of Iowa's three public universities—University of Iowa (UI), Iowa State University (ISU), and University of Northern Iowa (UNI); and two special preschool/K–12 schools (Iowa School for the Deaf and the Iowa Braille and Sight Saving School).

## **Background**

A high-profile sexual assault that took place at the University of Iowa in October 2007 prompted the Board of Regents to open an investigation to determine whether it had been handled pursuant to policies and whether the policies in place were adequate. Bonnie Campbell, former Iowa attorney general and then member of the Board of Regents, who is the founding director of the Violence Against Women Office appointed by President Clinton, oversaw that investigation.

“The Board hired an outside independent group to conduct the investigation. It concluded that the policy did not work, although it could be argued that, to some extent, it was followed properly. That policy, which had been rewritten at the University of Iowa after another high-profile sexual assault, provided that complaints by individuals be brought to the attention of the head of their department. It did not consider, for example, that both the victim and the perpetrators might be athletes, which is what happened in this particular case. It was an obvious policy flaw,” said Campbell.

When the results of the investigation were presented to the Board of Regents, the Board members felt the need for some Regents’ wide

consistency in terms of policies covering sexual misconduct and used the University of Iowa case to argue for systemwide revision, and if possible, a common policy for all three institutions.

According to Annette Lynch, a professor and now director of the Center for Violence Prevention at UNI, both UNI and ISU therefore felt a little “dragged into” a situation where their policy might be dictated by the Board’s desire for consistency across the system.

“For example, UNI’s policy had been recently revised with the consulting help of Brett Sokolow, managing partner at the National Center for Higher Education Risk Management, and therefore was already an affirmative policy. ISU also felt that it had a good policy that had not caused problems in the past. I had to work to get both UNI and ISU to accept the idea of having a consultant come in and work on each campus to design a sexual misconduct policy that fit the campus culture and structure,” explained Lynch.

“Institutions feel that they are different, with unique cultures. Both UNI and ISU felt they had evidence that their policies were already working, so they expressed the

attitude of 'if it's not broken, no need to fix it,' resulting in quite a bit of back and forth negotiation among the three institutions and the Board. At the end of the day, what helped move us forward was the clear need to address policy at University of Iowa, and the Board of Regents directive for systemwide revision. In addition, Annette had been working diligently on these issues at UNI, and Bob Donley, executive director of the Board, understood that we were going to be living under a microscope and supported working across all the institutions to assure that policies were consistent. We had an earlier high-profile incident in 2005," said Campbell.

### **DOJ Campus Grant Support: A Foundation for Effective Policy Development**

The Iowa Regents university system response to gender-based violence has strengthened as a result of more than a decade of Department of Justice (DOJ) campus grant awards that have strengthened both victim services and gender violence prevention education on all three state-funded campuses. The flagship leadership on this funding was UNI. The first wave of DOJ-funded awards to the state system was an individual campus award to UNI in 2000. Lynch was the project director

for a 2000 to 2002 (DOJ) grant that was awarded to the UNI Women's Studies Program to develop and implement educational and training programs that provided a comprehensive coordinated response to violence against women on the UNI campus. This grant was renewed for an additional two years, resulting in the first implementation of model sexual misconduct policy in the Iowa system in 2005 at UNI. An external review of the two UNI back-to-back grants by the Institute for Law and Justice spoke to the early strength of this foundation work at the flagship campus. The report stated that UNI had used the two rounds of funding to develop "a multi-faceted innovative project, under strong leadership, that integrates the talents and skills of administration, staff, faculty, students, and community partners. The Project builds on a history of leadership and collaboration across campus and with the community . . . the UNI project exemplifies what VAWO (Violence Against Women Office) has intended universities to do with project funds: 'to encourage institutions of higher education to adopt comprehensive, coordinated responses to violence against women.' "

### **Flagship Grant**

In September 2007 DOJ awarded UNI

nearly \$1 million in recognition of its outstanding efforts to improve both violence prevention efforts and direct service to victims. Designated a flagship project, the funding allowed UNI to expand proven strategies to both UI and ISU. Grant activities include creation of a Regents' Campus Gender Violence Prevention Task Force, development of an advocate training curriculum specifically geared toward campus-based violence, and dissemination of best practices throughout the Regent university system.

"When I was approached by DOJ to apply for a flagship grant I asked our president, Benjamin Allen, for his assistance. He was crucial in moving this forward. He was able to get all the right people from all three campuses to a meeting where I presented information on the work we had done at UNI in the area of gender-based violence prevention. I started out my presentation by suggesting that the policies should be revised systemwide in order to create a foundation for prevention programming. Both UI and ISU protested that changing policy is too political. As a result, the grant application did not include policy revision, even though I passionately wanted to do it," said Lynch.

The problem was that to apply for the

grant all three campuses needed to sign the required memorandums of agreement to do the work outlined. The policy revision was such a contentious issue that it was a potential barrier to the project. That all changed after the 2008 incident when the Board and the campuses all understood it was time to make policy changes.

Lynch again asked President Allen for his assistance as she wanted to redirect some of the flagship grant to get DOJ involved in working on policy revision across the whole system.

“In Iowa, when appropriate, the three universities try to work together. So, it made sense from an organizational point of view to do it systemwide. In addition, having worked at Iowa State for 25 years I knew they felt strongly that their policy was quite good. But I thought it was just simply a great idea. I have a lot of respect for Annette and her ideas were well thought out. She made a compelling case that all three presidents could get behind. In addition, Bob Donley, the Board executive director, was a leader in encouraging a system approach to policy revision,” said Allen.

Once it was determined that the three institutions would move forward together with the Board of Regents on

a DOJ flagship grant-funded initiative focused on sexual misconduct policy revision across the system, a teleconference meeting that included the three presidents, the director of the Board, the director of the flagship grant, and the program manager for the DOJ campus grant was conducted in which a partnership between DOJ and the Iowa Board of Regents was finalized. Annette Lynch worked with DOJ to formalize a change in scope for the flagship grant to cover the consulting costs related to the policy work. She also worked with DOJ to identify the national best practice legal firm to contract to do the work.

“We did have a bit of pushback from UI and ISU, not necessarily from the presidents, but more from other senior administrators who thought that their institutions’ policies were working and that they were very diligent in following them. In my discussions with Annette and her discussions with the Department of Justice about developing a systemwide policy structure and revamping our policies it was important to get the Board to support a comprehensive policy for the entire system, which also included our two special schools, the Braille School and the Iowa School for the Deaf. We wanted to get both university and community buy-in. The Regents embraced this overarching concept

and got the development of consistent sexual misconduct guiding principles moving forward,” said Donley.

The State of Iowa, Board of Regents adopted a resolution on September 25, 2008, that directed all the Board’s institutions to develop common policies and procedures dealing with sexual assault consistent with standards and best practices available in the higher education community.

### **Developing Guiding Principles for Policies**

In October 2008 the Board convened a large meeting at its headquarters in Des Moines to consider how the policies should be revised. The Iowa State Coalition Against Sexual Assault was at the table as well as people from other agencies serving the campuses, key leadership from different areas of student affairs, equity offices, and campus police. The law firm Schuster & Clifford, LLP, was engaged to assist with the policy review. After that first meeting, the lead consulting attorney Saunie Shuster put together the guiding principles that outline the major components needed in order to have a strong sexual misconduct policy.

After the development of guiding principles each campus worked to

revise its policies, which were then sent to Shuster and Clifford for their review. Following this review Schuster and Clifford traveled to Iowa to conduct work sessions on each campus using the common guidelines to assemble final versions of campus-specific sexual misconduct policies. The work teams included representation from the President's Office, student affairs, counseling, campus victim services, university counsel, faculty, and community nonprofit agencies serving each of the three campuses. These teams were assembled by project directors on each campus, working closely with flagship director Annette Lynch. Once draft policies were completed they were vetted through the approval process on each campus and finally presented to the Board for approval in December.

"The individual work sessions on each campus were very important. It never would have worked if we tried to write one policy in Des Moines and impose it on every campus. What was effective was working with the guiding principles with each team and allowing the campuses to apply those principles and rework their policies to really fit their campus. While the revised policies are very similar across all three campuses, each is convinced that this is 'our' policy. That is what you want the campus to feel," said

Lynch.

Nevertheless, it did take some compelling reasons to convince the decision-makers and stakeholders at the different campuses to adopt a policy platform that had some consistency across all of the campuses.

“One of the more startling things about this whole process is that it went incredibly quickly for policy change. From that first meeting it was only a matter of months before the Board adopted the guidelines in December, before the close of fall semester,” said Lynch. The short time frame for policy revision was one of the most contentious elements of the process, with all three campuses feeling high levels of pressure to move a policy through the system extremely quickly.

“From my perspective as one president, there was a confluence of factors that led to this outcome. One was strong leadership from the Board, through both Bob Donley and Bonnie Campbell, which resulted in clear direction from the Board. Secondly, the 2007 incident at University of Iowa put this issue in the spotlight and provided urgency to move it along. But I cannot overstate not only Annette Lynch’s leadership, but also her previous work, which provided the

foundation to work from—it was not creating a new concept,” said Allen.

## **Disseminating the Guiding Principles**

Lynch believes that the process of using guidelines to ensure best practice sexual misconduct policies across a system or an organization of institutions of higher education is a good one as it gives each campus the ability to tailor the policies to their own unique culture and structure. She is working with Drake University (Des Moines, Iowa) and Simpson College (Indianola, Iowa), both members of the Iowa Association of Independent Colleges and Universities, on a DOJ consortium grant submitted to DOJ in May 2012. If funded Lynch will be working again with the guiding principles concept in terms of helping campuses continually update and revise their policies in response to changes in law and practice.

“The guiding principles concept really appeals to campuses in terms of giving them guidance but not dictating verbatim policy. It helps an individual campus write their own policies that conform to a common national standard,” said Lynch.

Most recently Lynch assisted in the draft of *Beyond Title IX: Guidelines for*

*Preventing and Responding to Gender-based Violence in Higher Education*, an initiative led by Futures Without Violence and funded in part by the Avon Foundation. These guidelines include the lessons learned by the Iowa Regents university system, as well as updates to policy recommendations as a result of the 2011 U.S. Department of Education's [Dear Colleague Letter on Sexual Violence](#).

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### ***Sexual Misconduct Policy***

***Compliance Components:*** Creation of a proactive sexual misconduct policy requires the following elements to be addressed:

- Provide coordinated victim services utilizing campus and/or community-based resources, which address reporting options for victims, including reporting to law enforcement, initiating civil action, as well as providing physical and emotional support. Include a statement of victim's rights, which must include the following:
  - Information on reporting to law enforcement that clearly informs the victim of this option
  - An opportunity to participate in campus discipline hearings

- The right to be accompanied by an advisor during the investigation and hearing
- The right to provide a victim's impact statement if the accused is found in violation
- The right to know the outcome of the hearing, including determination and sanction imposed
- Policy must clearly identify the intersection of sexual misconduct policies with other policies such as drug and alcohol, and hazing policies
- Clearly articulate prohibited conduct and include unambiguous definitions of behaviors
- Provide a timeline for reporting incidents of sexual misconduct
- Designate a primary institutional employee or an office to coordinate all sexual misconduct, including specific contact information
- Ensure staff are properly trained on Title IX regulations where the student is the complainant
- Provide a detailed explanation of university sexual misconduct policy procedures, investigation processes, reporting requirements, and a time frame for the investigation process
- Identify and articulate the adjudication process, including

time frame and the manner in which the hearing is to be conducted

- Provide clear statement regarding confidentiality and limits on sharing and release of information
- Identify the institution's authority to take immediate action, which may include the following:
  - Imposing interim suspension
  - Modifying academic schedule of victim
  - Modifying housing arrangements for victim
  - Providing resources for medical and/or psychological support
- Specifically state the prohibition of retaliation for filing a complaint in good faith, or participating in an investigation or inquiry to a complaint
- Determine and set forth appeal framework, if any
- Set forth policy dissemination standards
- Set forth training protocol
- Describe the sanctions for violations and specific definitions of each sanction

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### **Additional Information**

See *Beyond Title IX: Guidelines for Preventing and Responding to Gender-based Violence in Higher Education.*

Institution Characteristics:

**Location:** , Iowa

**Enrollment:**

**Governance:** Campus-Community  
Coalition

**Setting:** Community

**Date Posted:** July 2012

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