



Title IX: Sex/Gender-Based Discrimination & Sexual Misconduct

Introduction

Upper Iowa University, ("UIU"), is committed to the principles of equal opportunity and seeks to establish and maintain a safe and healthy environment for all members of the UIU community, guests, and visitors. UIU provides programs, activities, and a campus environment that fosters courtesy and respect. UIU seeks to eliminate and, by this policy, prohibits all forms of sexual misconduct, including sexual harassment and sexual assault, and other forms of power-based personal violence, which includes dating violence, domestic violence, and stalking. Under Federal law, including Title IX of the Education Amendments of 1972 ("Title IX"), UIU has a duty to prevent and redress sexual misconduct and power-based personal violence. Such conduct is contrary to UIU's values, represents socially irresponsible behavior, and will not be tolerated. This policy addresses UIU's obligations under Title IX, the Violence Against Women Act, and the Violence Against Women Reauthorization Act of 2013.

This policy outlines the procedures that apply to allegations of sexual discrimination, sexual misconduct, sexual harassment, and power-based personal violence involving all members of the University community, guests, and visitors. The policy sets forth the specific types of conduct that are prohibited, as well as the resources and support services available to those in the UIU community who have been impacted by sexual misconduct and power-based personal violence. UIU encourages reporting of violations of this policy. UIU will take prompt and effective action to address allegations of sexual misconduct and power-based personal violence, and will resolve complaints in a timely and fair manner.

Non-Discrimination

UIU adheres to all federal and state civil rights laws banning discrimination in institutions of higher education including Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Iowa Code § 216.7. UIU will not discriminate against any employee, applicant for employment, student or applicant for admission on the basis of race, religion, color, sex, pregnancy, ethnicity, national origin (including ancestry), citizenship status, disability, age, sexual orientation, gender, gender identity, veteran or military status (including special disabled veteran, Vietnam-era veteran, or recently separated veteran), predisposing genetic characteristics or any other protected category under applicable local, state or federal law, including protections for those opposing discrimination or participating in any resolution process within UIU or with the Equal Employment Opportunity Commission or other human rights agencies.

This Statement covers non-discrimination in employment and in access to educational opportunities. Therefore, any member of the University community, guest or visitor who acts to deny, deprive or limit the educational, employment, residential and/or social access, benefits and/or opportunities of any member of the campus community on the basis of their actual or perceived membership in the protected classes listed above is in violation of UIU policy on non-discrimination. When brought to the attention of UIU, any such discrimination will be appropriately remedied according to its procedures.

The Title IX Coordinator is available to students and employees as an immediate resource for non-discrimination issues.

- Tiffany Adams (Title IX Coordinator)
Office: Human Resources, 1st floor south Alexander-Dickman Hall
Phone: 563-425-5959 / E-mail: adamst26@uiu.edu

Scope of Policy

All University community members are responsible for their actions and behavior, and for adhering to University policies and local, state, and federal law. This policy, therefore, applies to all members of the UIU community who participate in any of UIU's program and activities, including students, employees, contractors, vendors, volunteers, or other third parties. This Policy applies to behaviors that take place on the campus, at University-sponsored events, and may also apply off-campus and to actions online when the Title IX Coordinator determines that the off-campus conduct affects a substantial University interest. A substantial University interest is defined to include:

- a) Any action that constitutes criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state or federal law.
- b) Any situation where it appears that the responding party may present a danger or threat to the health or safety of self or others.
- c) Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder.
- d) Any situation that is detrimental to the educational interests of UIU.

This policy applies regardless of the sexual orientation or gender identity of any of the parties.

Options for Assistance Following an Incident of Sexual Misconduct

If you have experienced an act of sexual misconduct and need immediate assistance, you have several on and off-campus resources available.

Many individuals do not know where to turn for help or what steps to take after sexual misconduct occurs. Although it is ultimately up to the survivor to choose what course of action to take, UIU encourages all individuals to seek assistance from a medical provider and/or law enforcement immediately after an incident of sexual misconduct. This is the best option to ensure preservation of evidence and to begin a timely investigative response.

UIU will do everything in its power to help support individuals who come forward regarding sexual misconduct, as well as provide for confidentiality. UIU may need to investigate an incident and take action once an allegation is known, whether or not the individual chooses to pursue a complaint.

If a sexual misconduct survivor goes to the hospital, local police and an advocacy service agency will be called but the individual is not obligated to talk to the police or to pursue prosecution. Survivors are entitled to a free and confidential advocate to help them navigate choices, resources and support.

In cases of Sexual Assault:

Seeking assistance from a medical provider allows for the diagnosis and full treatment of any injuries or physical effect and to properly collect and preserve evidence. There is a limited window of time following an incident of sexual assault to preserve physical and other forms of evidence. Gathering such evidence does not commit an individual to pursuing legal action against the assailant, but does preserve that option.

Although it may be difficult following a sexual assault, individuals who are considering or may consider legal action should try not to shower, bathe, douche, urinate, rinse mouth, brush teeth, drink liquids, or change clothes to allow for maximum possible collection of evidence by a Sexual Assault Nurse Examiner (SANE) nurse or other health care provider. If clothing has been changed since the assault, bring the clothing you had on at the time of the assault with you to the hospital in a clean, sanitary container such as a paper bag or wrapped in a clean sheet (plastic containers do not breathe and may render evidence useless). If clothing has not been changed, bring a change of clothes with you to the hospital, if possible, as they will likely keep the clothes you are wearing as evidence. You can take a support person with you to the hospital, and they can accompany you through the exam if you want. Do not disturb the alleged crime scene—leave all sheets, towels, etc. that may bear evidence for law enforcement to collect.

A SANE nurse is a registered nurse who has been specially trained to provide comprehensive care to sexual assault survivors in a medical setting. SANE nurses are usually on call 24 hours a day, seven days a week (call the emergency room if you first want to speak to the nurse; ER will refer you). The SANE nurse or other

hospital staff member will assist with the medical evaluation, collect evidence, check for injuries, address possible pregnancy concerns and address the possibility of exposure to sexually transmitted infections.

On-Campus Support Options:

- Upper Iowa Counseling Services
Located in the Student Center in the Office of Student Life Office 226
(563) 425-5786
UIU Counseling Center is a confidential resource for students. Counseling Center staff cannot disclose any information without your permission and can provide emotional support as well as information about reporting options.
- Law Enforcement
(563) 425-5372
Law enforcement is available by telephone to students and employees 24 hours a day, 7 days a week to respond to any community concern. Law enforcement will notify the Title IX Coordinator after responding to a call related to sexual misconduct. Law enforcement can also assist a student in filing a legal complaint should the student desire to make a report to local law enforcement.

Off-Campus Support Options:

- Fayette Police Department
911 (Emergency)
563-425-3500 (Non-emergency number)
- Unum: Work Life Balance Employee Assistance Program (for Employees only)
Toll Free, 24-hour access
1-800-854-1446: English
1-877-858-2147: Spanish
1-800-999-3004: TTY/TDD
Online Access - www.lifebalance.net; user ID and password: lifebalance

Sexual assault or violence support services:

- Riverview Center
118 West Main Street
Manchester, IA
(563) 4927-1524
1-888-557-0310 (24-hour number)
Riverview Center provides 24-hour crisis intervention, counseling services and advocacy support for survivors of sexual assault and sexual abuse, and their significant others in Fayette and surrounding counties. Riverview Center also offers prevention education programming and professional training.

- Helping Services for Youth and Families (Domestic Abuse Resource)
Oelwein, IA
1-800-383-2988 (24-hour Domestic Abuse Resource Line)
Advocates work with survivors to help them get to safety, process a traumatic event, and live life knowing they are not to blame. The Domestic Abuse Resource Center team is knowledgeable about area resources and can explain how they can assist you. You can discuss your problem completely anonymously over the phone, or advocates can arrange to meet with you in person.
- National Sexual Assault Hotline
1-800-656-HOPE (4673)
- Domestic Violence Hotline
1-800-383-2988

Medical:

- Mercy Hospital - Wheaton Franciscan Healthcare
(SANE nurse available)
201 8th Ave SE, Oelwein, Iowa 50662
(319) 283-6000
- Gundersen Palmer Lutheran Hospital
(No Certified SANE Nurse)
112 Jefferson Street, West Union, IA 52175
(563) 422-3811
- Community Memorial Hospital
(No SANE nurse available on site)
909 West 1st St. Sumner, Iowa 50674
(563) 578-3275

Title IX Coordinator and Deputy Coordinator Responsibilities

All educational institutions receiving federal financial assistance must designate at least one employee to coordinate their efforts to comply with and carry out their responsibilities under Title IX of the Education Amendment of 1972, which prohibits sex discrimination in education programs and activities. These designated employees are generally referred to as Title IX coordinators and/or Title IX deputy coordinators.

The following people have been designated as the Title IX Coordinator and Title IX Deputy Coordinators:

Title IX Coordinator:

- Tiffany Adams, Director of Human Resources (Title IX Coordinator)
Office: Human Resources, 1st floor Alexander-Dickman Hall, Office 117
Phone: 563-425-5959 / E-mail: adamst26@uiu.edu

Deputy Title IX Coordinators:

- Emily Gibbs, Human Resource Generalist (Deputy Title IX Coordinator)
Office: Human Resources, 1st floor Alexander-Dickman Hall, Office 126
Phone: 563-425-5986 / E-mail: gibbse46@uiu.edu
- Jean Merkle, Dean of Students (Deputy Title IX Coordinator)
Office: Student Life, 2nd floor Student Center, Office 234
Phone: 563-425-5765 / E-mail: merklej@uiu.edu

Specifically, the Title IX Coordinator is/will:

- responsible for the oversight of the investigation and resolution of all reports of sexual misconduct;
- knowledgeable and trained in relevant state and federal laws and University policy and procedure;
- available to advise an individual including a reporting party or responding party about the courses of action available at UIU, both informally and formally, and the courses of action available externally, including reports to law enforcement
- available to direct individuals including a reporting party or responding party to resources;
- appoint Title IX Investigators to investigate all reports of sexual misconduct and to take Title IX incident reports;
- provide an efficient and effective institutional response to each Title IX report received;
- provide or facilitate ongoing training, consultation and technical assistance on Title IX for all students, faculty, and staff
- responsible for monitoring full compliance with all requirements and timelines specified in the complaint procedures;
- responsible for compiling, completing, filing and retaining required reports

A more detailed listing of Title IX Coordinator responsibilities can be found in Appendix A

Specifically, Deputy Title IX Coordinators are/will:

- knowledgeable and trained in relevant state and federal laws and University policy and procedures;
- available to advise an individual, including a reporting party or responding party, about the courses of action available at UIU, both

informally and formally, and the courses of action available externally including reports to law enforcement;

- available to take Title IX incident reports;
- direct individuals, including a reporting party or a responding party, to resources;
- conduct Title IX investigations;
- provide leadership as it relates to training and education of students, employees, visitors and guests on Title IX;
- assist in providing an efficient and effective institutional response to each Title IX report received;
- handle other tasks and responsibilities as determined by Title IX Coordinator

Together, the Title IX Coordinator, Deputy Title IX Coordinators, and Title IX Investigators comprise the Title IX Team. The Title IX team works together to make UIU a campus that is free of sexual harassment and sexual misconduct. You can contact the Title IX Coordinator or Title IX Deputy Coordinators for information or assistance, or to report to UIU if you have experienced or learned about any instances of harassment or misconduct. You can also contact the team with any suggestions for improving policies, procedures or resources.

Definitions

The following section defines the types of sexual misconduct prohibited under this policy, defines terms related to this policy including consent, force, incapacitation, and also defines terms used in the investigation and resolution process.

Dating Violence

Dating Violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the person against whom the violent act is/acts are committed. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence. Under the Clery Act and the Campus SaVE Act, UIU will record and report all relevant incidents of dating violence.

Domestic Violence

Domestic Violence is defined as a felony or misdemeanor crime of violence committed by:

- a current or former spouse or intimate partner of the person against whom the violence is committed;
- a person with whom the person against whom the violence is committed shares a child in common;
- a person who is cohabiting with, or has cohabited with, the person

- against whom the violence is committed as a spouse or intimate partner;
- a person similarly situated to a spouse of the person against whom the violence is committed under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Under the Clery Act and the Campus SaVE Act, UIU will record and report all relevant incidents of domestic violence.

Intercourse

Intercourse includes:

- vaginal or anal penetration by a penis, object, tongue or finger, and oral copulation (mouth to genital contact) no matter how slight the penetration or contact.

Non-Consensual Sexual Contact

Non-consensual sexual contact is:

- any intentional sexual contact,
- however slight,
- with any object
- by a person upon another person,
- that is without consent and/or by force.

Non-Consensual Sexual Intercourse

Non-consensual sexual intercourse is:

- any sexual intercourse
- however slight,
- with any object,
- by a person upon another person

Retaliation

Federal laws protect individuals from retaliation. Retaliation includes, but is not limited to: any form of intimidation, reprisal, or harassment. UIU prohibits retaliation against any individual who makes a good faith report of a potential violation of this policy, who supports another person's report, or who acts as a witness in any investigation into an allegation/complaint. UIU will take appropriate actions against those who retaliate, up to and including termination if they are an employee, or dismissal if they are a student, or sanctions if they are a guest or visitor.

Sexual Exploitation

Sexual Exploitation occurs when one person takes non-consensual or abusive sexual advantage of another person for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses.

Examples of sexual exploitation include but are not limited to:

- Invasion of sexual privacy
- Prostituting another person
- Non-consensual digital, video or audio recording of nudity or sexual activity
- Unauthorized sharing or distribution of digital, video or audio recording of nudity or sexual activity
- Engaging in voyeurism
- Going beyond the boundaries of consent (such as letting a friend hide in the closet to watch you having consensual sex)
- Knowingly exposing someone to or transmitting an STI, STD or HIV to another person
- Intentionally or recklessly exposing one's genitals in non-consensual circumstances or inducing another to expose his/her genitals
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation

Sexual Harassment

Sexual harassment is:

- unwelcome,
- sexual, sex-based and/or gender-based verbal, written, online and/or physical conduct.

Sexual harassment may be disciplined when it takes the form of quid pro quo harassment, retaliatory harassment and/or creates a hostile environment.

There are two kinds of sexual harassment:

1. Hostile environment harassment is:

A hostile environment created when sexual harassment is:

- sufficiently severe, or
- persistent or pervasive, and
- objectively offensive that it unreasonably interferes with, denies or limits someone's ability to participate in or benefit from UIU's educational and/or employment, social and/or residential program.

2. Quid Pro Quo Harassment is:

- unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature
- by a person having power or authority over another constitutes sexual harassment when
 - submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual's educational or employment progress, development or performance.
 - This includes when submission to such conduct would be a condition for access to receiving the benefits of any educational or employment program.

Examples include: an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to egregious, unwelcome sexual attention; to punish a refusal to comply with a sexual based request; to condition a benefit on submitting to sexual advances; sexual violence; intimate partner violence, stalking; gender-based bullying.

- that is without consent and/or by force.
- coercion
- stealthing

Sexual Contact

Sexual Contact includes:

- intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; or
- any other intentional bodily contact in a sexual manner.

Stalking

Stalking occurs when a person engages in a course of conduct or repeatedly commits acts toward another person, including following the person without proper authority, under circumstances that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

- **Course of conduct** means two or more acts, including but not limited to, acts in which the stalker directly, indirectly or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens or communicates to or about a person, or interferes with a person's property.
- **Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Other Misconduct Offenses

Several other offenses of misconduct will fall under Title IX and may or may not be sex or gender-based. These include but are not limited to:

1. Threatening or causing physical harm, extreme verbal abuse or other conduct which threatens or endangers the health or safety of any person
2. Discrimination, defined as actions that deprive other members of the University community of educational or employment access, benefits or opportunities on the basis of sex or gender.
3. Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another.
4. Hazing, defined as acts likely to cause physical or psychological harm or

social ostracism to any person within the University community when related to the admission, initiation, pledging, joining or any other group-affiliation activity

5. Bullying, defined as:
 - a) repeated and/or severe
 - b) aggressive behavior
 - c) likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally
 - d) that is not speech or conduct otherwise protected by the 1st Amendment.
6. Violence between those in an intimate relationship to each other.
7. Any other University policies may fall within this section when a violation is motivated by the actual or perceived membership of the reporting party's sex or gender.

Terms

Advisor

An individual who provides guidance and assistance to either the reporting party or the responding party throughout the reporting, investigation, and any resulting disciplinary process. The advisor may be a friend, mentor, family member, attorney, or any other supporter a party chooses to advise them who is both eligible and available. Individuals who are witnesses may not serve as advisors. Further information regarding the role of advisors can be found in section Participation of Advisors in the Resolution Process.

Consent

In order for individuals to engage in sexual activity of any type with each other, there must be clear, knowing and voluntary consent prior to and during sexual activity. Consent is sexual permission. Consent is active, not passive. Consent can be given by word or action, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions) of sexual activity. Consent to any one form of sexual activity cannot be automatically taken as consent to any other form of sexual activity.

Previous relationships or prior consent cannot imply consent to future sexual acts. Consent can be withdrawn once given as long as that withdrawal is clearly communicated.

Force

Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcomes free will or resistance or produce consent ("Have sex with me or I'll hit you. Okay, don't hit me, I'll do what you want."). Coercion is unreasonable pressure for sexual activity.

When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

There is no requirement for a party to resist the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual but non-consensual sexual activity is not by definition forced.

Incapacitation

Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g. to understand the “who, what, when, where, why, or how” of their sexual interactions). Incapacitation can occur mentally, physically, from developmental disability, by alcohol or other drug use, or blackout. The question of what the responding party should have known is objectively based on what a reasonable person in the place of the responding party, sober and exercising good judgment, would have known about the condition of the reporting party. Sexual activity with someone you know to be or should know to be incapacitated is a violation of this policy. This policy also covers a person whose incapacity results from mental disability, sleep, unconsciousness, involuntary physical restraint or from the taking of rape drugs. Possession, use and/or distribution of any of these substances including but not limited to Rohypnol, Ketamine, GHB, Burundang, etc. is prohibited, and administering one of these drugs to another person is a violation of this policy.

Interim Measures

Services, accommodations, or other assistance UIU puts in place for reporting parties after receiving a report of alleged sexual misconduct but before any final outcomes (investigatory, disciplinary, etc.) have been determined. Interim measures are designed to eliminate the hostile environment. Interim measures may be imposed regardless of whether formal resolution is sought by the reporting party or UIU. Interim measures may include: the ability to change housing assignments; change work schedules; alter academic schedules; withdraw from/retake a class without penalty; and issue no contact orders. Additional information pertaining to interim measures can be found further in this policy—in the section Investigation – Interim Measures.

Investigation Team

Individuals assigned by the Title IX Coordinator to conduct investigations following reports of alleged misconduct. The investigation team typically is comprised of members of the Title IX team, but the Title IX Coordinator may decide to use one or more appropriately trained University employees who are not members of the Title IX team or external investigators in addition to, or instead of members of the Title IX team when s/he considers it appropriate to do so. Upon receipt of a report, the Title IX Coordinator will assign the investigator(s) to begin the investigation.

Preponderance of Evidence

The standard used to determine if a policy violation occurred. UIU uses a “preponderance of evidence” standard, which means that the information/evidence demonstrates that it is more likely than not the alleged conduct or policy violation has occurred.

Reporting Party

The person alleging a violation of policy is referred to as the reporting party

Responding Party

The person who is alleged to have violated University policy is referred to as the responding party.

Responsible Employees

The U.S. Department of Education’s Office for Civil Rights defines Responsible Employees as employees who have the authority to take action to redress sexual violence, who have been given the duty of reporting incidents of sexual violence or any other misconduct by members of the University community (students, staff, faculty, guests, visitors) to the Title IX Coordinator or other appropriate University designee, or whom a reporting party could reasonably believe have this authority or duty. Responsible Employees who receive information or a report about any act that potentially constitutes sexual misconduct must further report that information to the Title IX Coordinator.

The following employees of UIU are Responsible Employees: faculty, staff (except Counseling Center staff), Resident Advisors and Graduate Assistants. In addition, Responsible Employees are expected to make every effort to explain their duty to report to anyone disclosing, or about to disclose, information to them.

Stealthing

Stealthing is the nonconsensual, intentional removal or tampering with of a condom during sexual intercourse.

Third-party

Any individual who works, visits, utilizes buildings or otherwise conducts business on the property of UIU.

Consensual Relationships

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as teacher and student, supervisor and employee). These relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect.

Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic or sexual involvement, this past consent may not remove grounds for a

later charge of a violation of applicable sections of the faculty/staff handbooks. UIU does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of UIU. For the personal protection of members of this University community, however, relationships in which power differentials are inherent (faculty- student, staff- student, administrator-student, supervisor-supervisee) are generally discouraged.

Consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party are unethical. Therefore, persons with direct supervisory or evaluative responsibilities who are involved in such relationships must bring those relationships to the timely attention of their supervisor and will likely result in the necessity to remove the employee from the supervisory or evaluative responsibilities or shift an individual out of being supervised or evaluated by someone with whom they have established a consensual relationship. This includes Resident Advisors (RAs) and students over whom they have direct responsibility. While no relationships are prohibited by this Policy, failure to self-report such relationships to a supervisor as required can result in disciplinary action for an employee.

Confidentiality

In making a decision about whom to contact for support and information, it is important to understand that most UIU employees are not confidential resources and are therefore obligated to report to UIU any information they receive about sex discrimination, sexual harassment, or sexual misconduct Only a few employees are confidential resources, who in most cases are not obligated to disclose such information. Additional information pertaining to confidential resources and non-confidential resources is listed below. Persons who have experienced sex discrimination, sexual harassment, or sexual misconduct are encouraged to consider the below listed information in choosing whom to contact for support and information.

Confidential Resources/Communications

Confidential communications are those communications which legally cannot be disclosed to another person without the consent of the individual who originally provided the information, except under very limited circumstances, such as allegations involving the physical or sexual abuse of a child or vulnerable adult or an imminent threat to the life of any person. UIU recognizes that some individuals may wish to keep their concerns confidential. As a result, UIU has designated specific persons as confidential resources for individuals who prefer to talk with someone confidentially about their concerns.

These confidential resources include the following:

- Counseling and Wellness Office
Professional Counselors

- Chi Alpha Ministries
Ordained Ministerial Professionals

Location: The Counseling office, Student Life Suite in the Student Center - Office 226

Phone: 563-425-5786

Confidential employees are expected to report aggregate data quarterly to the Title IX Coordinator without any personally identifiable details unless the confidential employee determines on a case-by-case basis that reporting would not be in the best interest of the client/patient.

There are also off-campus confidential resources that persons who have experienced sex discrimination, sexual harassment, or sexual misconduct can contact. Off-campus resources include: licensed professional counselors, local rape crisis counselors, clergy/chaplains, and domestic violence resources. Information regarding on and off campus resources can be found in section On Campus Support Options and Off Campus Support Options.

Non-confidential Resources/Communications

Non-confidential communications are those communications with any University employee who is not a confidential resource as identified above. Only confidential resources can promise confidentiality. All other University employees who become aware of incidents or allegations of sex discrimination, sexual harassment, and sexual misconduct, including sexual assault, dating violence, domestic violence, or stalking, must report the matter to UIU, even if the complainant requests confidentiality.

Examples of non-confidential communications include those with:

- All faculty members (including adjunct faculty)
- Admissions
- Student Life staff
- Residence Hall Directors and Resident Assistants
- Graduate Assistants
- Coaches and Assistant Coaches (including GA staff)
- Human Resources Office
- Library staff
- Alumni staff
- Marketing and Communications staff
- Law enforcement
- Facilities and Housekeeping staff
- All other University employees (full-time and part-time)

When reporting misconduct covered under Title IX (e.g. sexual harassment, sex or gender discrimination, sexual assault, dating violence, domestic violence, stalking, sexual orientation discrimination, gender identity discrimination, etc.), University employees must provide full details of the incident, if known, including all names

and personally identifying information. If a victim wishes for no action to be taken, the Title IX Coordinator must evaluate the request.

Employees should not promise confidentiality unless their professional role is confidential, and they have received the report in that confidential capacity. If approached, it is appropriate to say, "I may be obligated to share what you tell me with administrative officials. If you would like, I can connect you with University resources that can maintain confidentiality or privacy of what you share." Where an incident involves off-campus conduct involving a member or members of the University community, the reporting expectations of this policy still apply. If an employee is unsure of whether to report, consult with the Title IX Coordinator or Title IX deputy coordinators as appropriate.

Requesting Confidentiality

If a reporting party discloses an incident to a responsible employee but does not wish for their name to be shared, does not wish for an investigation to take place or does not want a formal resolution to be pursued, the reporting party may make such a request to the Title IX Coordinator or Deputy Coordinators who will evaluate that request in light of the duty to ensure the safety of the campus and comply with federal law. In cases, indicating pattern, predation, threat, weapons and/or violence, UIU will likely be unable to honor a request for confidentiality. If UIU determines that it cannot maintain a reporting party's confidentiality, UIU will inform the reporting party prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling UIU's response. If UIU is able to honor the request for confidentiality, the reporting party must understand that UIU's ability to respond and pursue disciplinary action against the accused is limited.

In the event that UIU proceeds with an investigation and is unable to maintain confidentiality, UIU will take ongoing steps to protect the reporting party from retaliation or harm and work with him/her to create a safety plan. Retaliation against the reporting party, whether by students or University employees, will not be tolerated. UIU will also:

- Assist the reporting party in accessing other available advocacy support, academic support, counseling, disability, health or mental health services, and legal assistance both on and off campus;
- Provide other security and support, which could include issuing a no-contact order, helping arrange a change of living or working arrangements or course schedules (including for the responding party pending the outcome of an investigation) or adjustments for assignments or tests; and
- Inform the reporting party of the right to report a crime to campus or local law enforcement – and provide her/him with assistance if the s/he wishes to do so.

Reporting Options

Individuals who have experienced,, witnessed or have heard of instances of sexual misconduct have several reporting options available to them, including reporting the incident just to UIU, reporting the incident just to local law enforcement, or reporting the incident to both UIU and local law enforcement. Individuals can also make anonymous reports of sexual misconduct, to include volunteers and minors.

Option #1: Report to UIU

As indicated above, with the exception of confidential resources, all faculty and staff, and students in their roles as University employees (including Resident Assistants and Graduate Assistants), are obligated to report to UIU any information they may receive concerning sex discrimination, sexual harassment, or sexual misconduct. All other individuals are encouraged to report to UIU as well.

Any individual may provide a report to UIU by contacting any Title IX team member:

- Tiffany Adams, Director of Human Resources (Title IX Coordinator)
Office: Human Resources, 1st floor Alexander-Dickman Hall, Office 117
Phone: 563-425-5959 / E-mail: adamst26@uiu.edu
- Emily Gibbs, Human Resource Generalist (Deputy Title IX Coordinator)
Office: Human Resources, 1st floor Alexander-Dickman Hall, Office 126
Phone: 563-425-5986 / E-mail: gibbse46@uiu.edu
- Jean Merkle, Dean of Students (Deputy Title IX Coordinator)
Office: Student Life, 2nd floor Student Center, Office 234
Phone: 563-425-5765 / E-mail: merklej@uiu.edu

Reports can be made in person, via e-mail, or by phone. Upon receipt of a report, UIU will initiate its response and investigation and resolution process.

Option #2: Report to Police (Law Enforcement)

UIU encourages anyone who has experienced sexual misconduct to pursue criminal action for incidents that may also be crimes under applicable criminal statutes. Law enforcement officers are trained in handling sexual assault and other cases involving sexual misconduct. An officer can be dispatched to campus to meet with the reporting party, to assist the reporting party in obtaining medical attention and emotional counseling, and to write a formal report of the incident. Reporting to law enforcement does not require prosecution of the offense and the reporting party's wishes will be taken into account by law enforcement. The police report and any supporting evidence may be turned over to the Fayette County Attorney's Office, which decides whether there is sufficient evidence to prosecute. Information about the law enforcement process of reporting, the investigation, arrests, filing of charges, hearings, the trial and sentencing will be explained at the time of report. University employees can assist the reporting party in contacting local law enforcement.

Option #3: Report to BOTH University and Police Department

Individuals can report incidents of sexual misconduct to both UIU and the Fayette Police Department.

UIU will comply with law enforcement request for cooperation and such cooperation may require UIU to temporarily suspend the fact-finding aspect of a Title IX investigation while the law enforcement agency is in the process of gathering evidence. During this time, UIU will continue to offer support to the reporting party, including discussing Title IX rights, procedural options, and needed interim measures to ensure safety and well-being. UIU will promptly resume its Title IX investigation as soon as notified by the law enforcement agency that it has completed the evidence gathering process, but will not generally wait for the conclusion of any criminal proceedings.

UIU's policy, definitions, and standard of proof differ from Iowa criminal law. Neither law enforcement's determination whether to prosecute a responding party nor the outcome of any criminal prosecution is determinative of whether sexual misconduct has occurred under this University policy. Proceedings under this policy may be carried out prior to, simultaneously with or following civil or criminal proceedings off campus.

Option #4: Anonymous Reporting

Any individual may make an anonymous report concerning an allegation of sexual harassment, sexual violence, sexual assault, intimate partner violence, domestic violence, dating violence, or stalking. An individual may report the incident without disclosing his/her name, identifying the responding party, or requesting any action. Depending on the level of information available about the incident or the individuals involved, anonymous reporting may impact UIU's ability to respond or pursue appropriate action. Making an initial anonymous report does not prevent an individual from choosing to follow-up with additional information or through a different reporting option.

Anonymous reports may be made online at <http://uiu.edu/support/emergency-preparedness/report-crime.html>. All reports will go to the Dean of Students/Deputy Title IX Coordinator for review.

Third-Party Reporting

Third-parties are encouraged to report incidents of sexual misconduct. Third-parties may report incidents to any responsible employee or through the anonymous reporting resource <http://uiu.edu/support/emergency-preparedness/report-crime.html>. After providing a report, third parties are not entitled to information about UIU's investigation and response due to privacy concerns and applicable federal and state laws.

Prohibition of Retaliation

UIU prohibits retaliation against any individual who makes a good faith report of a potential violation of this policy, who supports another person's report, or who acts

as a witness in any investigation into an allegation/complaint. Retaliation includes, but is not limited to: any form of intimidation, reprisal or harassment. UIU will take appropriate action against those who retaliate, up to and including termination if they are an employee, or dismissal if they are a student, or sanctions if they are a guest or visitor.

Amnesty for Alcohol and Other Drug Use

The welfare of students, staff, and faculty is of paramount importance. The UIU community encourages the reporting of alleged sexual misconduct. Sometimes, students are hesitant to report to University officials because they fear that they themselves may be charged with policy violations, such as underage drinking at the time of the incident. Similarly, students are sometimes hesitant to offer assistance to others for fear that they may get themselves in trouble. For example, an underage student who has been consuming alcohol might hesitate to bring the sexual misconduct victim to Campus Safety and Security for reporting and/or assistance.) It is in the best interest of the UIU community for individuals to report allegations of sexual misconduct to University officials. To encourage reporting, UIU pursues a policy of offering reporters of sexual misconduct and students who offer assistance to others in need a limited immunity from being charged with policy violations related to the sexual misconduct incident. While policy violations cannot be completely overlooked, UIU will provide referrals to counseling and may require educational options in such instances.

Situations Not Creating Notice

UIU wants victims/survivors to have safe spaces for sharing. Events such as "Take Back the Night", the Clothesline Project, candlelight vigils or other forms in which individuals disclose incidents of sexual violence, are not considered notice to UIU of Sexual Violence for purposes of triggering its obligation to investigate any particular incident(s).

However, UIU may offer resources or community remedies in such cases, as appropriate. Similarly, notice given during faculty-led research, climate surveys, and academic writing assignments will not be considered notice unless it is clearly indicated that the victim/survivor wishes for follow-up action to be taken.

Federal Statistical Reporting Obligations

Under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Report, certain University officials have a duty to report statistical information regarding sexual misconduct, domestic violence, dating violence, and stalking occurring on campus or on non-campus property controlled or utilized by UIU. Personally identifiable information is not included, but information must be provided to Campus Safety and Security regarding the nature of the incident, the date it occurred, and its general location (e.g. on or off-campus, in residential housing, or in the surrounding area) for publication in the Annual Safety Report (ASR). This report helps to provide the community with a clear picture of the extent and nature of campus crime and security measures on campus, to ensure greater community safety.

Federal Timely Warning Reporting Obligations

In some cases, University administrators must issue immediate timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the University community. UIU will ensure that a victim's name and other identifying information is not disclosed while still providing enough information for community members to make safety decisions in light of the danger.

Investigation

UIU will strive to complete a thorough, fair, impartial and timely investigation. UIU's goal is to complete the investigation and resolution process within 60 business days. Normally, the investigation process shall include the following elements:

- Appointment of investigators - Upon receipt of a report, the Title IX Coordinator will assign the investigator(s) to begin the investigation. The reporting party or responding party may request the removal of an investigator on the grounds of personal bias or other conflict of interest. Such requests should be made by submitting a written statement to the Title IX Coordinator setting forth the basis for the request. The Title IX Coordinator will review the written statement and make a determination if there is a conflict of interest. If a conflict of interest exists, another individual will be assigned to be the investigator. If a conflict of interest exists between the reporting party or responding party and the Title IX Coordinator, reports should be directed to UIU's President.
- Interviewing the reporting party to obtain his/her account of the alleged misconduct or to verify information the reporting party has already provided in his/her report or complaint
- Interviewing the responding party to obtain his/her account of the alleged misconduct.

Both reporting party and responding party will be asked if there are witnesses the investigators should interview and/or other evidence the investigators should review that will provide information relevant to the alleged misconduct.

Interviewing any witnesses who may have information of relevance to the alleged misconduct. Investigators may exercise discretion in the selection of witnesses to be interviewed. Investigators may conduct additional interviews with witnesses whose names were provided by individuals other than the reporting party or the responding party.

Reviewing other evidence of relevance to the alleged sexual misconduct such as video recordings, text messages, photographs, etc.

Investigators will prepare a written summary of the investigation and compile all information into an investigative file. The investigation file may include: the written complaint, any written records of investigative interviews with the reporting party, the responding party, and any witnesses, any other evidence (text messages, video recordings, etc.), and a summary of the investigation.

Interim Measures

Upon receipt of a report of alleged misconduct, UIU will impose reasonable and appropriate interim measures designed to eliminate the hostile environment. UIU will maintain consistent contact with the parties to ensure that all safety and emotional and physical well-being concerns are being addressed. Interim measures may be imposed regardless of whether formal resolution is sought by the reporting party or UIU.

The parties may request some form of interim measure or UIU may choose to impose interim measures at its discretion to ensure the safety of all parties, the broader University community, and/or the integrity of the process.

Interim measures will be implemented at the discretion of UIU. Potential remedies and accommodations that may be applied to the reporting party and/or the responding party include:

- Changing class schedules, including the ability to transfer course sections or withdrawal from a course without penalty
- Imposition of campus no-contact order
- Changing work schedules or job assignments
- Changing a student's University owned housing
- Assistance from University staff in completing residence relocation
- Rescheduling of exams, papers, or other assignments
- Taking an incomplete in a class
- Transferring class sections
- Temporary withdrawal or in the case of an employee temporary suspension or other removal from campus
- Alternative course completion options
- Access to counseling services on- and off-campus and assistance in setting up an initial appointment
- Limiting an individual's or organization's access to certain University facilities or activities pending resolution of the matter;
- Providing an escort to ensure safe movement between classes, work, and activities;
- Providing medical services;
- Providing academic support services, such as tutoring;
- Any other remedy that can be tailored to the involved individuals to achieve the goals of this policy.

Interim Suspension/Leave

Where the report of alleged sexual harassment, sexual violence, intimate partner violence, domestic violence dating violence, stalking poses an ongoing risk of harm to the safety or wellbeing of an individual or members of the campus community, UIU may place an individual student or organization on interim suspension pending the outcome of a conduct proceeding. This means pending resolution of the allegation, the individual or organization may be denied access to campus. During interim suspension, a student or group typically may not continue his/her coursework or activities unless otherwise noted in the interim suspension letter. Similarly, UIU may impose a leave for an employee. Such leaves will be structured (paid vs. unpaid) at UIU's discretion. When interim suspension or leave is imposed, UIU will make reasonable efforts to complete the investigation and resolution process (but not appeal), when such is required, within an expedited time frame.

Conflict of Interest

All those involved in decision-making with respect to this policy and process have been vetted for role-based conflicts of interest and UIU has determined that no such conflicts exist. If a reporting party or a responding party has any concern that an individual acting for UIU has a personal bias or a conflict of interest, such concern should be reported to the Title IX Coordinator no later than two business days after receiving notice of the identity of the individuals investigating the report. A written statement is to be submitted to the Title IX Coordinator setting forth the basis for the request. The Title IX Coordinator will review the written statement and make a determination if there is a conflict of interest. Appropriate steps will be taken to ensure that no conflict of interest exist on the part of anyone investigating or resolving an allegation under this policy. If a conflict of interest exists between the reporting party or responding party and the Title IX Coordinator, reports should be directed to UIU's President. If UIU's President is a party to the allegation or has a conflict of interest with respect to an allegation, the Chair of the Board of Trustees for UIU shall ensure that UIU puts in place appropriate safeguards under the circumstances to ensure that UIU promptly and equitably responds to the allegation, including, but not limited to appointment of alternate individuals to oversee adherence to the policy.

Rights of the Reporting Party and the Responding Party

Each party has the following rights:

- The right to investigation and appropriate resolution of all credible reports or notice of sexual misconduct or discrimination made in good faith to University officials.
- The right to be treated with respect by University officials.
- The right to have University policies and procedures followed without material deviation.
- The right to be informed in advance of any public release of information regarding the incident.
- The right to meetings, interviews, and/or hearings that are closed to the public.
- The right to regular updates on the status of the investigation and/or resolution.

- The right to discuss and share information relating to the allegation/complaint with others who will provide assistance and/or support during the investigation and/or resolution process.
- The right to review all documentary evidence available regarding the report, subject to the privacy limitations imposed by state and federal law, at least 48 hours prior to the hearing.
- The right to be informed of the names of all witnesses who will be called to give testimony at least 2 business days prior to the hearing, except in cases where a witness' identity will not be revealed to the responding party for compelling safety reasons (this does not include the name of the reporting party which will always be revealed).
- The right not to have irrelevant prior sexual history admitted as evidence in a University resolution process.
- The right to have reports heard by hearing and appeals officers who have received annual sexual misconduct training.
- The right to a panel comprised of representatives of both genders if a panel is to be used.
- The right to petition that any member of the investigation team and/or conduct body be recused on the basis of demonstrated bias or conflict of interest.
- The opportunity (if desired) to ask questions indirectly of all present witnesses including the responding party, and the right to challenge documentary evidence. (Parties may not personally question or cross-examine each other.)
- The right to make or provide an impact statement in person or in writing to the hearing officers following determination of responsibility but prior to sanctioning.
- The right to be informed of the outcome and sanction of the resolution process in writing, without undue delay between the notifications to the parties, and usually within one (1) business day of the end of the process.
- The right to be informed in writing of when a decision of UIU is considered final, any changes to the sanction to occur before the decision is finalized, to be informed of the right to appeal the finding and sanction of the resolution process, and the procedures for doing so in accordance with the standards for appeal established by UIU.

Additional Rights of the Reporting Party

- The right not to be pressured to mediate or otherwise informally resolve any reported misconduct involving violence, including sexual violence
- The right to be informed by University officials of options to notify proper law enforcement authorities including local police, and the option to be assisted by University authorities in notifying such authorities if the student so chooses.
- The right not to be discouraged by University officials from reporting sexual misconduct or discrimination to both on-campus and off-campus authorities.

- The right to have reports of sexual misconduct responded to promptly and with sensitivity by University officials.
- The right to be notified of available counseling, mental health, victim advocacy, health, legal assistance, student financial aid, visa and immigration assistance or other student services for victims of sexual assault, both on campus and in the community.
- The right to a University no contact order (or a trespass order against a non-affiliated third party) when someone has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the reporting party or others.
- The right to notification of and options for, and available assistance in, changing academic and living situations after an alleged sexual misconduct incident if so requested by the reporting party and if such changes are reasonable available (no formal report or investigation, campus or criminal, need occur before this option is available).
- The right to have UIU maintain such accommodations for as long as is necessary, and for the protective measures to remain confidential, provided confidentiality does not impair UIU's ability to provide the accommodation or protective measures.
- The right to be fully informed of University policies and procedures as well as the nature and extent of all alleged policy violations contained within the report.
- The right to ask the investigators to identify and question relevant witnesses including expert witnesses.
- The right not to be required to be present at resolution hearing as a pre-requisite to proceed.
- The right to preservation of privacy, to the extent possible and permitted by law.
- The right to bring a victim advocate or advisor of the reporting party's choosing to all phases of the investigation and resolution proceeding.
- The right to provide evidence by means other than being in the same room with the responding party (e.g. Skype, teleconference call, etc.).
- The right to be present for all testimony given and evidence presented during any resolution based hearing.

Additional Rights of Responding Party

- The right to be informed of and have access to University resources for medical, health, counseling, and advisory services.
- The right to be fully informed of the nature, policies and procedures of UIU resolution process and to timely written notice of all alleged policy violations within the report including the nature of the violation and possible sanctions.
- The right to a hearing on the report including timely notice of hearing date and adequate time for preparation.
- The right to have an advisor of their choice to accompany and assist in UIU resolution process.

- The right to a fundamentally fair resolution as defined in these procedures.
- The right to a decision based solely on evidence presented during the resolution process. Such evidence shall be credible, relevant, based in fact and without prejudice.

Resolution Process/Procedures

The procedures outlined in this section apply to any member of UIU community (faculty, student, staff, and administration) who engages in discrimination or harassment. Any person can report alleged harassment or discrimination, including faculty, students, staff, administration, guests, visitors, third-parties, etc. All allegations of misconduct not involving harassment or discrimination will be addressed through the procedures outlined in the respective student, faculty, and employee handbooks.

Informal Resolution

Some complaints of discrimination or harassment can be resolved through the informal resolution process. Informal resolution procedures are optional and may be used with the agreement of the involved parties when UIU determines that it is appropriate. Informal procedures are not used in cases involving violence, when the Title IX Coordinator determines a situation is not eligible, or the parties are reluctant to participate in good faith.

Whenever possible and safe, the problematic behavior, conflict or misconduct should first be discussed by the impacted person and the person engaged in the problematic behavior conflict or misconduct. The Title IX Coordinator and Deputies will facilitate such conversations, upon request, and monitor them for safety.

The informal resolution process can be discontinued by either party at any time. Each party can pursue formal resolution of the issue.

Formal Resolution Process for Reports of Misconduct by Employees & Students

The formal resolution process can be initiated at any time.

Formal Resolution Process for Reports of Misconduct by Employees

The Office of Human Resources is designated to formally investigate reports or notice of discrimination and/or harassment by employees and to address inquiries and coordinate UIU's compliance efforts regarding employee-related reports. Any member of the University community can provide notice of discrimination and/or harassment in person or orally to an appropriate official but UIU strongly encourages submission of written reports to Human Resources.

The following are recommended elements of a report:

- Clear and concise description of the alleged incident(s) (e.g.: when and where it occurred)
- Any supporting documentation and evidence

- Clear demonstration of all informal efforts, if any, to resolve the issue(s) with the person involved and the person's supervisor
- This includes names, dates and times of attempted or actual contact along with a description of the discussion and the manner of communication made in the course of each effort.
- If contacting the person involved and/or the supervisor is impracticable, the reporting party should state the reasons why.
- The desired remedy sought
- Name and all contact information for the reporting party
- Signed by the reporting party

Upon receipt of a report or notice, Human Resources will open a formal case file and assign a case officer who will direct the investigation and confer with the Title IX Coordinator on interim action, accommodations for the reporting party or other necessary remedial short-term actions.

The case officer will then take the following steps (not necessarily in order):

Upon receipt of report:

Within 24 hours:

- In coordination with campus partners (e.g.: UIU's Title IX Coordinator or Dean of Students), initiate any necessary remedial actions.
- Determine the identity and contact information of the reporting party.

Within 2 business days:

- Identify the exact policies allegedly violated.
- Conduct an immediate initial inquiry to determine if there is reasonable cause to charge the responding party and what policy violations should be alleged as part of the charge.
- If there is insufficient evidence to support reasonable cause, the report should be closed with no further action.

Within 3 business days:

- Meet with the reporting party to finalize their statement.
- Prepare the notice of charges on the basis of the initial inquiry.

Within 10-14 business days

- Commence a thorough, reliable and impartial investigation by developing a strategic investigation plan including a witness list, evidence list, intended timeframe and order of interviews for all witnesses and the responding party who may be given notice prior to or at the time of the interview.
- Complete the investigation promptly and without unreasonable deviation from the intended timeline.

Upon Investigation:

Within 1-3 business days and throughout:

- Update the reporting party throughout the investigation

Upon conclusion of investigation:

Within two (2) business days, or as appropriate.

- Make a finding, based on a preponderance of the evidence (whether a policy violation is more likely than not).

- Confer as necessary with the Title IX Coordinator and respective Executive President's Council members to finalize the determination.
- Share the findings and sanctions with the responding and reporting parties.

Where the responding party is found not responsible for the alleged violation(s), the investigation will be closed. Where a violation is found, UIU will act to end the discrimination, prevent its recurrence and remedy its effects on the reporting party and the University community. All parties will receive written notification of the outcome, to the extent permitted by or mandated by law. In cases involving sexual misconduct, sexual harassment, stalking and/or intimate partner violence, the written notification includes the finding, any resulting responsive actions and the rationale for the decision. This written notification of final decision is delivered to the parties without undue delay between the notifications.

Procedures Involving Faculty

If it is determined, after following the procedures described above, to seek a penalty of dismissal or suspension against a member of UIU's faculty, the determination will proceed in accordance with UIU's "Policies and Procedures Concerning Appointment, Reappointment, Termination, Dismissal, Tenure, and Promotion," Faculty Handbook then in effect.

Formal Resolution Process for Reports of Misconduct by Students

The Compliance and Title IX Coordinator Dean of Students is designated to formally investigate reports of discrimination and/or harassment by students, to address inquiries and to coordinate UIU's compliance efforts regarding reports of misconduct by students, regardless of UIU's role of the reporting party who may be another student, faculty, staff, guest or visitor.

Notice of a formal report can be made in person, by phone, via email or in writing to:

- Jean Merkle, Dean of Students and Deputy Title IX Coordinator
Office: Office of Student Life, 2nd floor Student Center, Room 234
Phone: 563-425-5765 / E-mail: merklej@uiu.edu
- Tiffany Adams, Director of Human Resources and Title IX Coordinator
Office: Human Resources, First floor Alexander-Dickman
Phone: 563-425-5959/ E-Mail: adamst26@uiu.edu

Upon receipt of a report, the Compliance and Title IX Coordinator Dean of Students will open a formal inquiry and assign an investigation team who will direct the investigation and confer with the Title IX Team on interim action, accommodations for the reporting party or other necessary remedial short-term actions.

The investigators will then take the following steps (not necessarily in order)

Upon receipt of report:

Within 24 hours:

- In coordination with campus partners (e.g.: UIU's Title IX Coordinator), initiate any necessary remedial actions
- Determine the identity and contact information of the reporting party

Within 2 business days:

- Identify the exact policies allegedly violated
- Conduct an immediate initial inquiry to determine if there is reasonable cause to charge the responding party and what policy violations should be alleged as part of the report
- If there is insufficient evidence to support reasonable cause, the inquiry should be closed with no further action.

Within 3 business days:

- Meet with the reporting party to finalize their statement
- Prepare the notice of charges on the basis of the initial inquiry

Within 10-14 business days:

- Commence a thorough, reliable and impartial investigation by developing a strategic investigation plan including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the responding party who may be given notice prior to or at the time of the interview
- Complete the investigation promptly and without unreasonable deviation from the intended timeline

During Investigation:

Within 1-3 days of onset (and throughout investigation):

- Provide regular updates on the status of the investigation to the reporting party.

At conclusion of investigation:

Within 2 business days:

- Make a finding based on a preponderance of the evidence (whether a policy violation is more likely than not).
- Present the findings to the responding party who may accept the findings, accept the findings in part and reject them in part or may reject all findings.
- Share the findings and update the reporting party on the status of the investigation and the outcome.
- Where the responding party is found not responsible for the alleged violation(s), the investigation will be closed.

The Dean of Students has final decision-making authority with regard to formal reports, subject to appeal. Where the responding party is found in violation as the result of a hearing, the Faculty and Dean of Students Student Conduct Board, Title IX Coordinator and/or Vice President for Student Life and International Education will impose appropriate sanctions for the violation, after consultation with the Title IX Team, when applicable. UIU will act to end the discrimination, prevent its recurrence, and remedy its effects on the victim and UIU community. Appeal

proceedings as described below apply to all parties to the report. The parties will receive written notification of the outcome of the hearing, to the extent permitted or mandated by law. In cases involving sexual misconduct, sexual harassment, stalking and/or intimate partner violence, the written notification includes the finding, any resulting sanctions, and the rationale for the decision. This written notification of final decision is delivered to the parties without undue delay between the notifications, explains appeals options and procedures, and any changes to the results that could occur before the decision is finalized.

Participation of Advisors in the Resolution Process

All parties are entitled to an advisor of their choosing to guide and accompany them throughout UIU resolution process. The advisor may be a friend, mentor, family member, attorney or any other supporter a party chooses to advise them who is both eligible and available. People who will be called as witnesses may not serve as advisors.

The parties are entitled to be accompanied by their advisor in all meetings and interviews at which the party is entitled to be present including intake, interviews, hearings and appeals. Advisors should help their advisees prepare for each meeting and are expected to advise ethically, with integrity and in good faith. UIU cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney but the other party does not or cannot afford an attorney, UIU is not obligated to provide one. Additionally, responding parties may wish to contact organizations such as:

- Families Advocating for Campus Equality (FACE) (<http://www.facecampusequality.org>)
- Stop Abusive and Violent Environments (SAVE) (<http://www.saveservices.org>),

Reporting parties may wish to contact organizations such as:

- The Victim Rights Law Center (<http://www.victimrights.org>)
- The National Center for Victims of Crime (<http://www.victimsofcrime.org>), which maintains the Crime Victim's Bar Association

All advisors are subject to the same University rules whether they are attorneys or not. Advisors may not present on behalf of their advisee in a meeting, interview or hearing and should request or wait for a break in the proceeding if they wish to interact with University officials. Advisors may confer quietly with their advisees as necessary, as long as they do not disrupt the process.

For longer or more involved discussions, the parties and their advisors should ask for breaks or step out of meetings to allow for private conversation. Advisors will typically be given a timely opportunity to meet in advance of any interview or hearing with the administrative officials conducting that interview or meeting. This pre-meeting will allow advisors to clarify any questions they may have and allows UIU an opportunity to clarify the role the advisor is expected to take.

Advisors are expected to refrain from interference with UIU investigation and resolution. Any advisor who steps out of their role in any meeting under UIU resolution process will be warned once and only once. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave the meeting. When an advisor is removed from a meeting, that meeting will typically continue without the advisor present. Subsequently, the Title IX Coordinator or a deputy will determine whether the advisor may be reinstated, may be replaced by a different advisor or whether the party will forfeit the right to an advisor for the remainder of the process.

UIU expects that the parties will wish to share documentation related to the allegations with their advisors. UIU provides a consent form that authorizes such sharing. The parties must complete this form before UIU is able to share records with an advisor.

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with 3rd parties, disclosed publicly or used for purposes not explicitly authorized by UIU. UIU may seek to restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by UIU's privacy expectations.

UIU expects an advisor to adjust their schedule to allow them to attend University meetings when scheduled. UIU does not typically change scheduled meetings to accommodate an advisor's inability to attend. UIU will, however, make provisions to allow an advisor who cannot attend in person to attend a meeting by telephone, video and/or virtual meeting technologies as may be convenient and available.

A party may elect to change advisors during the process and is not locked into using the same advisor throughout.

The parties must advise the investigators of the identity of their advisor at least two (2) business days before the date of their first meeting with investigators. The parties must provide subsequent timely notice to the investigators if they change advisors at any time. No audio or video recording of any kind other than as required by institutional procedure is permitted during meetings with University officials.

Special Resolution Process Provisions

A. Attempted violations

In most circumstances, UIU will treat attempts to commit any violations as if those attempts had been completed.

B. University-initiated proceedings

As necessary, UIU reserves the right to initiate a report and to initiate resolution proceedings without a formal report or participation by the victim of misconduct.

C. False Reports

University will not tolerate intentional false reporting of incidents. It is a violation to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.

D. Parental Notification

UIU reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, change in student status or conduct situation, particularly alcohol and other drug violations. UIU may also notify parents/guardians of non-dependent students under age 21 of alcohol and/or drug policy violations. Where a student is non-dependent, UIU will contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk. UIU also reserves the right to designate which University officials have a need to know about individual conduct reports pursuant to Family Educational Rights and Privacy Act (FERPA).

E. Notification of Outcomes

The outcome of a University hearing is part of the education record of the responding party, and is protected from release under federal law, FERPA. However, UIU observes the legal exceptions as follows:

- Reporting parties in non-consensual sexual contact/intercourse, sexual exploitation, sexual harassment, stalking and intimate partner violence incidents have an absolute right to be informed of the outcome, essential findings and sanctions of the hearing, in writing, without condition or limitation.
- UIU may release publicly the name, nature of the violation and the sanction for any student who is found in violation of a University policy that is a "crime of violence," including: arson, burglary, robbery, criminal homicide, sex offenses, assault, destruction/damage/vandalism of property, intimate partner violence, stalking and kidnapping/abduction.
- UIU will release this information to the reporting party in any of these offenses regardless of the outcome.

F. Alternative Testimony Options

For sexual misconduct reports, and other reports of a sensitive nature, whether the alleged victim is serving as the reporting party or as a witness, alternative testimony options will be given such as placing a privacy screen in the hearing room or allowing the alleged victim to testify outside the physical presence of the responding party such as by Skype or phone. While these options are intended to help make the reporting party more comfortable, they are not intended to work to the disadvantage of the responding party.

G. Past Sexual History/Character

The past sexual history or sexual character of a party will not be admissible by the other party in the investigation or hearing unless such information is determined to be highly relevant by the Title IX Coordinator. All such information sought to be admitted will be presumed irrelevant, and any request to overcome this presumption by the parties must be reviewed in

advance of the hearing by the Dean of Students. While previous conduct violations by the responding party are not generally admissible as information about the present allegation, the Dean of Students may supply previous reports of good faith allegations and/or findings to the investigators, the hearing officers and appeals committee to consider as evidence of pattern and/or predatory conduct.

H. Witness participation in an investigation

Witnesses are expected to cooperate with and participate in UIU's investigation. Any witness who declines to participate in or cooperate with an investigation will not be permitted to offer evidence or testimony later in a hearing. Witnesses may provide written statements in lieu of interviews during the investigation and may be interviewed remotely by phone, Skype (or similar technology), if they cannot be interviewed in person. Parties who elect not to participate in the investigation will have the opportunity to offer evidence during the hearing and/or appeal stages of the process, though failure to offer evidence prior to an appeal does not constitute grounds for appeal on the basis of new evidence. Any witness scheduled to participate in a hearing must have been interviewed first by investigators (or have proffered a written statement), unless all parties consent to the participation of that witness in the hearing.

Sanctioning for Sexual Misconduct

Any person found responsible for violating the Non-Consensual Sexual Contact section of this policy will likely receive a sanction ranging from probation to expulsion depending on the severity of the incident and taking into account any previous disciplinary violations.*

Any person found responsible for violating the Non-Consensual Sexual Intercourse section of this policy will likely face a recommended sanction of suspension or expulsion (student) or suspension or termination (employee).*

Any person found responsible for violating the Sexual Exploitation or Sexual Harassment section of this policy will likely receive a recommended sanction ranging from warning to expulsion or termination, depending on the severity of the incident, and taking into account any previous disciplinary violations.*

*The decision-making body reserves the right to broaden or lessen any range of recommended sanctions in the case of serious mitigating circumstances or egregiously offensive behavior. Neither the initial hearing officers nor any appeals body or officer will deviate from the range of recommended sanctions unless compelling justification exists to do so.

Appeals

When the Reporting Party is an Employee

The reporting party and the responding party each have the right to appeal the decision of the President's Council member to the President of UIU. The appeal must be in writing and submitted to the President within two (2) calendar weeks of the President's Council member's decision. The appeal must include all supporting materials. The President should normally complete his/her review of the appeal and issue his/her decision in writing within 45 days unless there are documented extenuating circumstances.

The President of UIU shall decide the appeal. The President's decision shall be in writing and shall be submitted to the reporting party and responding party with copies to the Executive President's Council members and the Title IX Coordinator. The President's written decision on the appeal shall be final.

When the Reporting Party is a Student

In the event that the responding party accepts the findings of the investigation, those findings cannot be appealed. Sanctions imposed by the Dean of Students post-investigation can be appealed by any party according to the grounds below. Post-hearing, any party may appeal the findings and/or sanctions only under the grounds described below.

Sanctions

All sanctions imposed by the original hearing body will be in effect during the appeal. A request may be made to the Dean of Students to delay implementation of the sanctions until the appeal is decided but the presumptive stance of the institution is that the sanctions will go into effect immediately. Graduation, study abroad, internships/ externships, etc. do NOT in and of themselves constitute exigent circumstances, and students may not be able to participate in those activities during their appeal. In cases where the appeal results in reinstatement to UIU or resumption of privileges, all reasonable attempts will be made to restore the student to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

The decision of the Dean of Students may be appealed by petitioning the designated appeals committee. Any party who files an appeal request must do so in writing to the Dean of Students within five (5) business days of receiving the written decision, for a review of the decision or the sanctions imposed. The written decision will be provided 1) in person and/or mailed to the local mailing address of the respective party as indicated in University records and 2) emailed to the parties' University-issued email accounts. If there is no local address on file, mail will be sent to the parties' permanent addresses. Once received in person, mailed or emailed, the notice of decision will be deemed presumptively delivered.

The Dean of Students will share the appeal request with the other party (e.g., if the responding party files an appeal, the appeal is shared with the reporting party who may also wish to file a response and/or bring their own appeal on separate

grounds; this response or appeal will be shared with the initial appealing party). Based on the written requests/responses or on interviews as necessary, the appeals committee will send a letter of outcome for the appeal to all parties. The appeals committee can take one of three possible actions. The committee may dismiss an appeal request as untimely or ineligible, may grant an appeal and remand the finding and/or sanction for further investigation or reconsideration at the hearing level, or may modify a sanction.

The original finding and sanction will stand if the appeal request is not timely or substantively eligible, and that decision is final. The party requesting appeal must show clear error as the original finding and/or a compelling justification to modify a sanction as both finding and sanction are presumed to have been decided reasonably and appropriately during the original hearing.

The ONLY grounds for appeal are as follows:

1. A procedural error occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.).
2. To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.
3. The sanctions imposed fall outside the range of sanctions designated for this offense and the cumulative conduct history of the responding party.

If remanded to re-open the investigation, the results of a revised investigation can be subsequently forwarded for reconsideration at the hearing level at the discretion of the Dean of Students. If the appeal remands to the hearing body for review, the reconsideration of the hearing body is not appealable.

In rare cases where a procedural error cannot be cured by the original hearing officers (as in cases of bias), the appeals committee may order a new hearing with a new body of hearing officers. The results of a reconvened hearing cannot be appealed. The results of a new hearing can be appealed, once, on any of the three applicable grounds for appeals.

The procedures governing the hearing of appeals include the following:

- All parties should be timely informed of the status of requests for appeal, the status of the appeal consideration and the results of the appeal decision.
- Every opportunity to return the appeal to the original hearing body for reconsideration (remand) should be pursued.
- Appeals are not intended to be full re-hearings of the allegation (de novo). In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal.
- Appeal decisions are to be deferential to the original hearing body, making changes to the finding only where there is clear error and to the sanction only if there is a compelling justification to do so.

- An appeal is not an opportunity for appeals officers to substitute their judgment for that of the original hearing body merely because they disagree with its finding and/or sanctions.
- Sanctions imposed are implemented immediately unless the Dean of Students stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
- The appeals committee will typically render a written decision on the appeal to all parties within five (5) business days from hearing of the appeal. The appeals committee decision to deny an appeal request is final.

Education and Prevention Programs

UIU is committed to educating and promoting community awareness about the prevention of sex discrimination and harassment, sexual harassment, sexual violence, stalking, domestic violence, dating violence, and sex- and gender-based harassment that does not involve conduct of a sexual nature. UIU will offer programs to promote awareness and prevention of such issues throughout the year, including an overview of UIU's policies and procedures, relevant definitions (including prohibited conduct, discussion of the impact of alcohol and illegal drug use, and effective consent), the severity of sanctions for violations (including suspension and expulsion) and information about bystander information and risk reduction.

Incoming first-year students and new employees will receive primary prevention and awareness programming as part of their orientation. All educational programs include a review of resources and reporting options.

Employees involved in decision-making with respect to this policy and process are annually trained on all aspects of the process, as well as sexual violence, dating violence, domestic violence, stalking and how to ensure a process that promotes accountability and assures safety.

Contacting the Office of Civil Rights (OCR)

Anyone who believes that an education institution that receives federal financial assistance has discriminated against someone on the basis of race, color, national origin, sex, disability or age may file a complaint. The person or organization filing the complaint need not be a victim of the alleged discrimination but may complain on behalf of another person or group.

Timeliness

A complaint must be filed within 180 calendar days of the date of the alleged discrimination, unless the time for filing is extended by OCR for good cause shown under certain circumstances.

Institutional Grievance Procedures

Prior to filing a complaint with OCR against an institution, a potential reporting party may want to find out about the institution's grievance process and use that process to have the complaint resolved. However, a reporting party is not required by law to use the institutional grievance process before filing a complaint with OCR. If a reporting party uses an institutional grievance process and also chooses to file the complaint with OCR, the complaint must be filed with OCR within 60 days after completion of the institutional grievance process.

Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-1100
Customer Service Hotline #: (800) 421-3481
FAX: (202) 453-6012
TTY#: (800) 877-8339
Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr>

Chicago Office
Office for Civil Rights
U.S. Department of Education
Citigroup Center
500 W. Madison Street, Suite 1475
Chicago, IL 60661-4544
Telephone: 312-730-1560
FAX: 312-730-1576
TDD: 800-877-8339
Email: OCR.Chicago@ed.gov

Frequently Asked Questions Regarding UIU's Sexual Misconduct Policy

Does information about a report remain private?

The privacy of all parties to a report of sexual misconduct must be respected except insofar as it interferes with UIU's obligation to fully investigate allegations of sexual misconduct. Where privacy is not strictly kept, it will still be tightly controlled on a need-to-know basis. UIU will not disseminate information and/or written materials to persons not involved in the resolution process without the consent of both parties. Witnesses are also required to maintain the privacy of information shared with them during interviews and/or hearings. Violations of the privacy of the reporting party or the responding party may lead to conduct action by UIU though both parties are allowed to share their perspectives and experiences. All parties, including witnesses, involved in an allegation are strongly encouraged to maintain the privacy of information and/or written materials.

In all resolutions of sexual misconduct, all parties will be informed of the outcome. In some instances, Administration also may choose to make a brief public announcement of the nature of the violation and the action taken without using the name or identifiable information of the alleged victim. Certain University administrators are informed of the outcome within the bounds of student privacy (e.g., President of UIU, Dean of Students, Director of Human Resources, local law enforcement). If there is a report of an act of alleged sexual misconduct and there is evidence that a felony has occurred, local police will be notified. This does not mean charges will be automatically filed or that a victim must speak with the police but the institution is legally required to notify law enforcement authorities. The institution also must statistically report the occurrence on campus of major violent crimes including certain sex offenses in an "Annual Security Report" of campus crime statistics. This statistical report does not include personally identifiable information.

Will my parents be told?

UIU's primary relationship is to you, the student, and not to your parent/guardian. University representatives will only speak with your parents/guardians at your request or when there is significant threat to your health or safety.

Will the responding party know my identity?

Yes, if UIU determines there is reasonable cause to believe a violation has occurred and investigates the matter. The responding party has the right to know the identity of the reporting party. If there is a hearing, UIU does provide options for questioning without confrontation including closed-circuit testimony, Skype, using a room divider or using separate hearing rooms.

Do I have to name the responding party?

Yes, if you want formal disciplinary action to be taken against the responding party. You can report the incident without the identity of the responding party but doing so may limit the institution's ability to respond comprehensively.

Will I (as a victim) have to pay for counseling/or medical care?

Not typically if the institution provides these services already. If a victim is accessing community and non-institutional services, payment for these will be subject to state/local laws, insurance requirements, etc. In addition to UIU's Office of Counseling & Wellness, employees may utilize a 24-hour counseling service available through UNUM employee assistance program which provides confidential crisis intervention, counseling, information and referral, and will accompany victims/survivors to medical and legal services as requested.

What about legal advice?

Victims of criminal sexual assault need not retain a private attorney to pursue criminal prosecution because representation will be handled by the District Attorney's office. You may want to retain an attorney if you are considering filing a civil action or are the responding party. The responding party may retain counsel at their own expense if they determine that they need legal advice about criminal prosecution and/or the campus conduct proceeding. Both the responding party and the reporting party may also use an attorney as their advisor during UIU's resolution process. Attorneys are subject to the same restrictions as other advisors in the process as described in section titled Participation of Advisors in the Resolution Process.

How is a report of sexual misconduct decided?

UIU investigates allegations of sex- and gender-based harassment, discrimination or misconduct to determine whether there is evidence to indicate a policy violation is "more likely than not" to have occurred. This standard, called the preponderance of the evidence, corresponds to an amount of evidence indicating a policy violation is more than 50% likely.

What about changing residence hall rooms?

You may request a room change. Room changes under these circumstances are considered emergencies. It is typically institutional policy that, in emergency room changes, the student is moved to the first available suitable room. If you prefer that the responding party be moved to another residence hall, that request will be evaluated by the Dean of Students to determine if it can be honored.

Other assistance and modifications available to you might include:

- Assistance from University support staff in completing a room relocation
- Arranging to dissolve a housing contract and pro-rating a refund
- Help with finding an off-campus residential alternative
- Assistance with or rescheduling an academic assignment (paper, exams, etc.) or otherwise implementing academic assistance
- Taking an incomplete in a class
- Assistance with transferring class sections
- Temporary withdrawal
- Assistance with alternative course completion options
- Escorts to and from University locations

- Transportation assistance or support
- Other accommodations for safety as necessary

What should I do about preserving evidence of a sexual assault?

Having the evidence collected in this manner will help to keep all options available to a victim but will not obligation him or her to any course of action. Collecting evidence can assist the authorities in pursuing criminal charges, should the victim decide later to exercise it.

Save all of the clothing you were wearing at the time of the assault and do not wash them. Place each item of clothing in a separate paper bag. Do not use plastic bags. Do not disturb anything in the area where the assault occurred. Evidence can be collected at an emergency room and you can decide later whether or not you want to press criminal charges. Write down as much as you can remember about the circumstances of the assault, including a description of the assailant, their identity and the use of threats or force.

For evidence collection, it is best if you do not:

- I. Shower
- J. Brush your teeth
- K. Urinate
- L. Eat or Drink
- M. Change clothes
- N. Douche
- O. Smoke

Physical Exam

A victim advocate from the institution can also accompany you to hospital and law enforcement or Security can provide transportation. If a victim goes to the hospital, local police will be called but s/he is not obligated to talk to the police or to pursue prosecution. The medical providers will, with your permission, collect physical evidence to be used if you decide to prosecute. Collecting this physical evidence is called a "rape kit." This can only be done at an emergency room or hospital. Depending on the types of sexual contact that occurred, the search for physical evidence may include taking samples from the vagina, mouth, or rectum to test for sperm cells and semen. If you think you drugged or consumed a sedative-like substance, ask the medical provider to take urine sample. Other evidence may be obtained from fingernail scrapings, foreign matter on your body and the clothes you were wearing at the time of the assault. All exam findings are completely confidential and can only be released with your written consent. If you have visible injuries, you may be asked to have photographs taken. Photographing injuries is important because by the time your assailant is prosecuted, the injuries may have healed.

Will a victim be sanctioned when reporting a sexual misconduct policy violation if he/she has illegally used drugs or alcohol?

No. The seriousness of sexual misconduct is a major concern, and UIU does not want any of the circumstances (e.g., drug or alcohol use) to inhibit the reporting of sexual misconduct. UIU provides amnesty from any consequences for minor policy violations that occur during or come to light as the result of a victim's report of sexual misconduct.

Will the use of drugs or alcohol affect the outcome of a sexual misconduct conduct resolution?

The use of alcohol and/or drugs by either party will not diminish the responding party's responsibility. On the other hand, alcohol and/or drug use is likely to affect the reporting party's memory and, therefore, may affect the resolution of the reported misconduct. A reporting party must either remember the alleged incident or have sufficient circumstantial evidence, physical evidence and/or witnesses to prove that policy was violated. If the reporting party does not remember the circumstances of the alleged incident, it may not be possible to impose sanctions on the responding party without further corroborating information. Use of alcohol and/or other drugs will never excuse a violation by a responding party.

Will either party's prior use of drugs and/or alcohol be a factor when reporting sexual misconduct?

Not unless there is a compelling reason to believe that prior use or abuse is relevant to the present matter

What should I do if I am uncertain about what happened?

If you believe you have experienced sexual misconduct but are unsure whether it is a violation of UIU's sexual misconduct policy, you should contact UIU's Title IX Coordinator or Deputy Title IX Coordinator (not confidential) or UIU's Counseling and Wellness Services (confidential).

Sexual Violence – Risk Reduction Tips

Risk reduction tips can often take a victim-blaming tone, even unintentionally. Only those who commit sexual violence are responsible for those actions. We offer this information with no intention to victim-blame, with recognition that these suggestions may nevertheless help you to reduce your risk of experiencing a non-consensual sexual act. Suggestions to avoid a non-consensual sexual act are offered below.

- If you have limits, make them known as early as possible.
- Tell a sexual aggressor “NO” clearly and firmly.
- Try to remove yourself from the physical presence of a sexual aggressor.
- Find someone nearby and ask for help.
- Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
- Give thought to not sharing your intimate content, pictures, images and videos with others even those you may trust. If you do choose to share, clarify your expectations as to how or if those images may be used, shared or disseminated.
- Take care of your friends and ask that they take care of you. A real friend will challenge you if you are about to make a mistake. Respect them when they do.

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk for being accused of sexual misconduct:

- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you. You must do this for every step of the sexual process.
- Understand and respect personal boundaries.
- DON'T MAKE ASSUMPTIONS about consent, about someone's sexual availability, about whether they are attracted to you, about how far you can go or about whether they are physically and/or mentally able to consent. Your partner's consent should be affirmative and continuous. If there are any questions or ambiguity, then you DO NOT have consent.
- Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. They may not have figured out how far they want to go with you yet. You must respect the timeline for sexual behaviors with which they are comfortable.
- Don't take advantage of someone's drunkenness or altered state even if they willingly consumed alcohol or substances. If one or both partners are under the influence, they are not able to give consent.
- Realize that your potential partner could feel intimidated or coerced by

you. You may have a power advantage simply because of your gender or physical presence. Don't abuse that power.

- Do not share intimate content, pictures, images and videos that are shared with you.
- Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.
- Silence, passivity or non-responsiveness cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and nonverbal communication and body language.

Examples

1. Amanda and Bob meet at a party. They spend the evening dancing and getting to know each other. Bob convinces Amanda to come to his room. From 11:00 pm until 3:00 am, Bob uses every line he can think of to convince Amanda to have sex with him but she adamantly refuses. He keeps at her, begins to question her religious convictions and accuses her of being "a prude." Finally, it seems to Bob that her resolve is weakening, and he convinces her to give him a "hand job" (hand to genital contact). Amanda would never had done it but for Bob's incessant advances. He feels that he successfully seduced her, and that she wanted to do it all along but was playing shy and hard to get. Why else would she have come to his room alone after the party? If she really didn't want it, she could have left.

Bob is responsible for violating UIU's Non-Consensual Sexual Contact policy. It is likely that University decision-makers would find that the degree and duration of the pressure Bob applied to Amanda were unreasonable. Bob coerced Amanda into performing unwanted sexual touching upon him. Where sexual activity is coerced, it is forced. Consent is not valid when forced. Sex without consent is sexual misconduct.

2. John is a junior at UIU. Beth is a sophomore. John comes to Beth's residence hall room with mutual friends to watch a movie. John and Beth, who have never met before, are attracted to each other. After the movie, everyone leaves, and John and Beth are alone. They hit it off and are soon becoming intimate. They start to make out. John verbally expresses his desire to have sex with Beth. Beth, who was abused by a baby-sitter when she was five and has not had any sexual relations, is shocked how quickly things are progressing. As John takes her by the wrist to the bed, lays her down, undresses her and begins to have intercourse with her, Beth has a severe flashback to her childhood trauma. She wants to tell John to stop but cannot. Beth is stiff and unresponsive during the intercourse. Is this a policy violation?

John would be held responsible in this scenario for Non-Consensual Sexual Intercourse. It is the duty of the sexual initiator, John, to make sure that he has mutually understandable consent to engage in sex. Though consent need not be verbal, it is the clearest form of

consent. Here, John had no verbal or non-verbal mutually understandable indication from Beth that she consented to sexual intercourse. Of course, wherever possible, it is important to be as clear as possible as to whether or not sexual contact is desired, and to be aware that for psychological reasons, or because of alcohol or drug use, one's partner may not be in a position to provide as clear an indication as the policy requires. As the policy makes clear, consent must be actively, not passively, given.

3. Kevin and John are at a party. Kevin is not sure how much John has been drinking but he is pretty sure it's a lot. After the party, he walks John to his room, and John comes on to Kevin, initiating sexual activity. Kevin asks him if he is really up to this, and John says yes. Clothes go flying, and they end up in John's bed. Suddenly, John runs for the bathroom. When he returns, his face is pale, and Kevin thinks he may have thrown up. John gets back into bed, and they begin to have sexual intercourse. Kevin is having a good time though he can't help but notice that John seems pretty groggy and passive, and he thinks John may have even passed out briefly during the sex but he does not let that stop him. When Kevin runs into John the next day, he thanks him for the wild night. John remembers nothing and decides to make a report to the Dean.

This is a violation of the Non-Consensual Sexual Intercourse Policy. Kevin should have known that John was incapable of making a rational, reasonable decision about sex. Even if John seemed to consent, Kevin was well aware that John had consumed a large amount of alcohol, and Kevin thought John was physically ill and that he passed out during sex. Kevin should be held accountable for taking advantage of John in his condition. This is not the level of respectful conduct UIU expects.

Examples of possible Sexual Harassment include:

- A professor insists that a student have sex with him/her in exchange for a good grade. This is harassment regardless of whether the student accedes to the request.
- A student repeatedly sends sexually oriented jokes around on an email list s/he created, even when asked to stop, causing one recipient to avoid the sender on campus and in the residence hall in which they both live.
- Explicit sexual pictures are displayed in a professor's office or on the exterior of a residence hall door.
- Two supervisors frequently 'rate' several employees' bodies and sex appeal, commenting suggestively about their clothing and appearance.
- A professor engages students in her class in discussions about their past sexual experiences yet the conversation is not in any way germane to the subject matter of the class. She probes for explicit details and demands that students answer her though they are clearly uncomfortable and hesitant.

- An ex-girlfriend widely spreads false stories about her sex life with her former boyfriend to the clear discomfort of the boyfriend, turning him into a social pariah on campus.
- A student grabbed another student by the hair, then grabbed her breast and put his mouth on it. While this is sexual harassment, it is also a form of sexual violence.

Appendix A

Title IX Coordinator Responsibilities

All educational institutions receiving Federal financial assistance must designate at least one employee to coordinate their efforts to comply with and carry out their responsibilities under Title IX of the Education Amendments of 1972 which prohibits sex discrimination in education programs and activities. These designated employees are generally referred to as Title IX coordinators. An institution's Title IX coordinator is expected to play a critical role in helping the institution ensure that every person affected by its operations—including faculty, staff, and students—are aware of their legal rights under Title IX, and that the institution and all of its employees, through its policies, procedures, and practices, complies with its legal obligations under Title IX. An institution should ensure that the Title IX coordinator is given the visibility, training, authority, and support necessary to fulfill these responsibilities.

The Director of Human Resources is UIU's Title IX Coordinator. The Title IX Coordinator's functions and responsibilities include the following:

Training for Students, Faculty, and Staff

The Title IX Coordinator provides or facilitates ongoing training, consultation and technical assistance on Title IX for all students, faculty and staff, including:

- Regular training for faculty and staff, outlining their rights and obligations under Title IX including the appropriate response to reports of sexual misconduct, the obligation to report sexual misconduct to appropriate University officials, and the extent to which counselors and advocates may keep a report confidential as well as information about the resources available on and off campus, UIU's formal and informal complaint processes, the availability of interim steps and the complainant's ability to file a complaint with UIU and/or to pursue criminal charges with local law enforcement.
- Regular training for students, outlining their rights and responsibilities under Title IX. With regard to sexual misconduct, this training will include what constitutes sexual misconduct and when it creates a hostile environment, the definition of consent, reporting options (including reports to responsible employees, campus and local law enforcement and confidential reporting to counselors or advocates), the formal and informal grievance procedures as outlined by UIU's Investigation and Resolution Process that is used to process complaints, applicable disciplinary code provisions relating to sexual misconduct and the consequences of violating those provisions, the role of alcohol and drugs in sexual misconduct, the effects of trauma, strategies and skills for bystander intervention, the offices or individuals with whom students can speak confidentially, the offices or individuals who can provide support

services, the employees who must report incidents to the Title IX coordinator, and Title IX's protections against retaliation as well as information about the resources available on and off campus, the availability of interim steps, and the complainant's ability to file a complaint with UIU and/or to pursue criminal charges with local law enforcement.

Investigations

UIU is responsible to conduct adequate, reliable, and impartial investigations of reports and complaints of sexual misconduct according to its Title IX Sex- and Gender-Based Discrimination and Sexual Misconduct Policy. The Title IX Coordinator oversees this process, including:

- determining whether reports or complaints allege conduct that may, upon investigation, constitute prohibited sexual misconduct
- appointing two (2) Title IX officers to investigate upon such determination
- making certain that individual reports and complaints are handled according to UIU's Title IX Sex- and Gender-Based Discrimination and Sexual Misconduct Policy and in a prompt and timely manner
- informing all parties regarding the grievance process
- overseeing the implementation of appropriate interim steps to provide for the safety of the complainant and campus regardless of whether a formal or informal complaint has been filed
- confirming that all parties have been notified of grievance decisions and of the right to, and procedures for, appeal, if applicable
- maintaining information and documentation related to the investigation in a secure manner
- monitoring compliance with timeframes specified in the grievance procedures according to its Investigation and Resolution Process
- coordinating UIU's response to individual cases with the appropriate offices and following up with individuals and offices for feedback on interim steps
- assessing and addressing known or apparent conflicts of interest among the Title IX team or between the Title IX team and parties to the grievance

Monitoring and AdvisingTo address sexual misconduct on campus and ensure ongoing compliance with Title IX, the Title IX Coordinator:

- reviews annually all formal and informal reports and complaints raising potential Title IX issues for UIU to ensure UIU responded consistent with its Title IX obligation, even if the report or complaint was initially filed or raised with another individual
- reviews annually all formal and informal reports and complaints raising potential Title IX issues for UIU to identify and address any patterns
- reviews regularly UIU's policies and procedures to ensure they comply with the requirements of Title IX

- organizes and maintains files related to grievances, reports, complaints and other records of potential sex discrimination including sexual misconduct in a secure manner
- coordinates with UIU's Compliance Coordinator to conduct annual climate survey for campus; oversees the analyzing of results and the writing of a report to include recommendations based on the review of survey data
- assesses regularly UIU's compliance with, and the effectiveness of, policies and procedures related to sex discrimination including sexual misconduct and recommends modifications where appropriate
- coordinates regularly with UIU's Clery Act Compliance Coordinator with respect to overlapping obligations related to sexual misconduct against students including prevention, education and training
- consults regularly with UIU President and campus stakeholders to promote campus- wide awareness and discussion of Title IX-related issues and develop and implement any modifications of policies and procedures to prevent and eliminate sex discrimination including sexual misconduct.
- ensures appropriate policies and procedures are in place for working with local law enforcement and coordinating with local victim advocacy organizations and service providers including rape crisis centers.