

Division of Diversity, Equity & Inclusion

Overview of Harassment Prevention

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Office of Institutional Equity

Agenda

- Context for the university's process
- What it means to be a mandated reporter (Academic or Administrative Officer).
 - What needs to be reported
 - Handling a disclosure
 - Policy requirements
- What we do after receiving a report
- Common questions
- Other questions?

Policy on Sexual Harassment and Sexual Misconduct

Context

Compliance

- Title IX, Title VII, Clery, VAWA, First Amendment, State Law, Case law

Research and Expert Consensus

- Prevention, policies and procedures, sanctions

Environment

- Community expectations

**How do I fulfill my
obligations to report?**

Know what to report

- Any unwelcome sexual behavior
- Possible dating/domestic violence
- Repeated unwelcome contact causing fear or emotional distress.
- Potential harassment based on sex, sexual orientation, or gender identity

Prohibited conduct

- Sexual harassment
 - Hostile environment
 - Quid pro quo
- Sexual assault
- Dating/Domestic violence
- Stalking
- Sexual exploitation
- Non-consensual sexual contact
- Sex-based harassment
- Sex discrimination
- Retaliation

—

**In the moment of a
disclosure...**



CLARIFY

LISTEN

CHECK

REFER

REPORT

As soon as you think you might be hearing a disclosure, let them know your responsibilities and the limits to your confidentiality.



CLARIFY

LISTEN

CHECK

REFER

REPORT

Can I talk to you about something?

“Absolutely. I don’t know what you want to talk about, but I want to be up front – there are certain things I can’t keep confidential.”

Can I talk to you about something, confidentially?

“I’m happy to listen, but whether I can keep something confidential depends on what you share. If confidentiality is important to you, I’m happy to get you connected with a confidential resource on campus.”



CLARIFY

LISTEN

CHECK

REFER

REPORT

Please don't tell anyone.

“I’m sorry, but this is information that I’m required to report. This doesn’t mean you won’t have control over any next steps. The goal is to empower you with information about options and resources, so you have what you need to get through this. There’s no obligation on your part to do anything.”



CLARIFY

LISTEN

CHECK

REFER

REPORT

People often overcome multiple barriers before they disclose. Keep your response simple and supportive.



CLARIFY

LISTEN

CHECK

REFER

REPORT

“I’m sorry that this happened to you. Thank you so much for trusting me.”

”I’m not sure what I need to do next, but I do know that I want to support you, so I’m going to find out what our resources are.”

“This is serious. I want to make sure you get the support that you need.”

The overall message:

- I hear you.
- I care about what you’re saying.
- I want to get you the support you need.
- Thank you for sharing this with me.

Barriers to reporting

- Self-blame
- Embarrassment
- Avoidance
- Fear of retaliation
- Fear of not being believed
- Cultural norms
- Fear of social rejection
- Immigration status
- Lack of trust



CLARIFY

LISTEN

CHECK

REFER

REPORT

Check if they have safety concerns and need immediate support.

Rape Victim Advocacy Program (24/7)
(800) 228-1625

Domestic Violence Intervention
Program (24/7)
(800) 373-1043

Department of Public Safety (24/7)
911 or (319) 335-5022

Threat Assessment Team:
(319) 384-2955



CLARIFY

LISTEN

CHECK

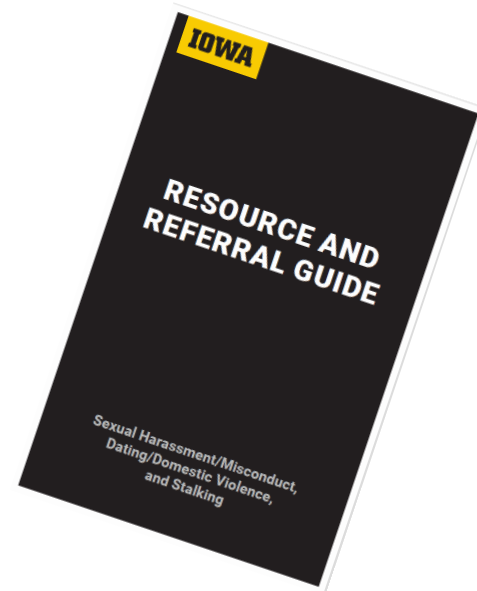
REFER

REPORT

Refer them to a confidential advocate (RVAP or DVIP).

Let them know you'll be sharing information with Title IX and Gender Equity.

Give them a copy of the Resource & Referral Guide.





CLARIFY

LISTEN

CHECK

REFER

REPORT

Notify Title IX and Gender Equity within 2 business days.

Consider calling us in the moment. It might be reassuring for the Reporting Party to be a part of the reporting process.

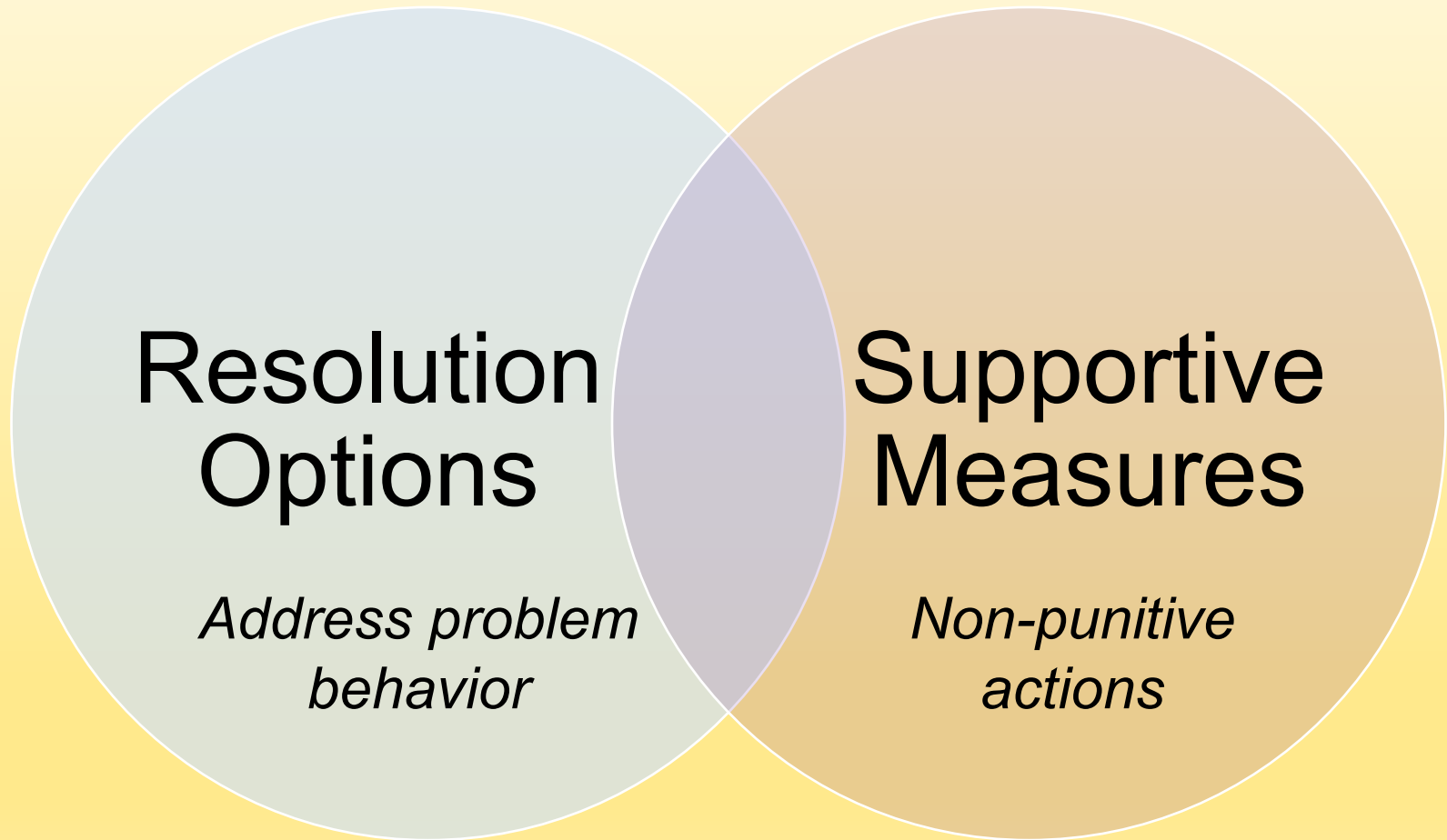
Additional Tips

- Be “multi-partial”
- Know campus resources or have a flier on hand.
- Bookmark TIXGE website:
<https://diversity.uiowa.edu/resources/tixge-resources>.
- Be clear about you will do with the information shared. Don't share more widely.
- Don't solicit information or start investigating
- Don't confront the accused
- Avoid putting a label on someone's experience
- Avoid making promises about things outside your control

AAO Policy Requirements

1. Provide resolution options
2. Provide confidential resources
3. Report to the Office of Institutional Equity in 2 business days
 - Email: oiie-tixge@uiowa.edu
 - Online webform: <https://diversity.uiowa.edu/report/report-problem>
 - Phone: 319-335-6200
4. Notify Sr HR Leadership or Associate Dean

After you report: what we do



Resolution Options

→ Formal Grievance Process*

- Determines whether Policy on Sexual Harassment and Sexual Misconduct was violated

→ Adaptable Resolution*

- Voluntary process that involves attempting to reach a resolution with the Respondent without Formal Grievance Process

→ Non-Disciplinary Intervention

- Coaching conversation with Respondent
- Group education for department or team

→ Mutual No Contact Directive

- May be modified to permit necessary contact when parties are in same department, program, or residence hall

*AAOs are expected to provide.

Supportive Measures

→ May include:

- Counseling referral or linkage with an advocate*
- Flexibility with university commitments (parking, housing, class/work schedules, academic work)
- Coaching conversation
- Group education
- Mutual no contact directive
- Changing sections of a class

→ Available with or without formal complaint

→ No notice necessarily provided to Respondent

→ No actions that unreasonably burden Respondent

*AAOs are expected to provide.

Resources

Confidential

Ombudsperson

Employee Assistance Program

Rape Victim Advocacy Program

Domestic Violence Intervention Program

University Counseling Service

Non-Confidential

Office of Institutional Equity

Threat Assessment Program

University Human Resources

Dean of Students

Department of Public Safety

Common Questions

- What's my role after I report something?
- How do I know if something is being done to address the concerns I reported?
- Will the accused know that something was reported?
- Will police be contacted?
- Can the parties be told not to talk about the situation?
- Can someone be disciplined if the complainant chooses not to make a formal complaint under the SH/SM Policy?
- What do I do if the disclosure comes from the person accused?

Additional University Policies

Consensual Relationships Involving Students

Governs romantic and/or sexual relationships between instructor and students

- Professors, Teaching Assistants, Academic Advisors, Coaches, Residence Hall Professional Staff, other instructional personnel

Physical and Sexual Abuse of Children

- All University employees who in the course of employment receive information related to physical or sexual abuse of children must immediately report such information to the University of Iowa Police. Exceptions:
- Ombudsperson employees
 - Clergy
 - Attorneys as required by rules of professional responsibility
 - Statutory mandatory reporter whose professional code of ethics or HIPAA restrictions prohibit (must still report to DHS)
- In the case of incidents not on the Iowa City campus, local police authorities should also be called in order to avoid any delay in response.
- UI employees who are statutory mandatory reporters of all forms of child abuse (not just physical or sexual abuse) under state law must also fulfill their statutory obligation to report to the Department of Human Services as provided by *Iowa Code 232.67-70*.

Policy on Human Rights

The University is guided by the precepts that in no aspect of its programs shall there be differences in the treatment of persons because of race, creed, color, religion, national origin, age, sex, pregnancy, disability, genetic information, status as a U.S. veteran, service in the U.S. military, sexual orientation, gender identity, associational preferences, or any other classification that deprives the person of consideration as an individual...

Protected Classes

- Race
- Creed
- Color
- Religion
- National Origin
- Sex
- Age
- Disability
- Pregnancy
- ✓ Sexual Orientation
- ✓ Gender Identity
- ✓ Genetic Information
- ✓ U.S. Veteran Status
- ✓ Service in the U.S. Military
- ✓ Associational Preference

Anti-Harassment Policy (Cont.)

Conduct:

Types of Harassment



Harassment based on a protected class

- race, creed, color, religion, national origin, sex, age, disability, sexual orientation, gender identity, genetic information, U.S. veteran status, U.S. military service

Harassment for other reasons

- name-calling, physical appearance, practical jokes

Anti-Harassment Policy (Cont.)

→ AAO Responsibilities under the Anti-Harassment Policy:

Protected class

- **shall report the allegations promptly** to the Office of Institutional Equity for assistance in evaluating the situation and determining an appropriate course of action, even if the impacted party has requested that no action be taken.

Non-protected class

- Inform of options available (informal, formal)
- Assist with resolving (informal)

Policy on Violence

- Prohibits acts and threats of violence such as:
- physical assault or abuse
 - sexual assault or abuse
 - threats with a weapon
 - verbal or other threats of physical or sexual assault
 - domestic/dating violence
 - stalking
 - damage or destruction of another's private property
 - violent conduct prohibited by the *Code of Iowa*



Policy on Violence (Cont.)

→ AAO Responsibilities under the Policy on Violence:

Protected class

- **shall report the allegations promptly** to the Office of Institutional Equity for assistance in evaluating the situation and determining an appropriate course of action, even if the impacted party has requested that no action be taken.

Non-protected class

- Inform of options available (informal, formal)
- Assist with resolving (informal)

Anti-Retaliation Policy

- “Retaliation as a response to a good-faith report, whether determined to be founded or unfounded, will not be tolerated... The University... considers acts or threats of retaliation in response to good-faith reports to constitute a serious violation of University policy.” (Ops. Manual 11.1)
 - Policy on Sexual Harassment and Sexual Misconduct has its own prohibition on retaliation as required by Title IX
- Key elements:
 - Good faith report of university-related misconduct
 - Materially adverse action (or threat)
 - Reasonable person standard
- Office responsible for investigating the retaliation complaint is the office to which the original good faith report of university-related misconduct was made.

Possible Steps Before Filing a Complaint

- Let the harasser know that the conduct is unwanted and unwelcome.
- Consult with an AAO (remember that an AAO is a mandatory reporter according to the University).
- Consult with confidential resources.
- Contact law enforcement agency.



Options to file a complaint:

- Informal resolution
- Formal investigation
- File a complaint with an external agency
 - Iowa Civil Rights Commission (ICRC)
 - Equal Employment Opportunity Commission (EEOC)
 - Office for Civil Rights (OCR)
- Contact law enforcement agency

For additional information, please contact...


IOWA

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and Inclusion**

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