Faculty Members’ Role in Creating an Inclusive Campus Climate

Presented by Tiffini Stevenson Earl, JD
Senior Equity Investigator & ADA Coordinator
Complaint Investigations Unit
Learning Objectives

- Policy review
- Identifying discrimination and types of harassment
- Your role and responsibilities
- Steps to reporting unwelcome behavior
Complaint Investigations Unit

- Role of the Investigator
  - Neutral
  - Fair and impartial
  - Thorough investigation
- Provide resources
Know the Policies

UI Community

- Policy on Human Rights
- Policy on Sexual Harassment
- Consensual Relationships Involving Students Policy
- Anti-Harassment Policy
- Anti-Violence Policy
- Anti-Retaliation Policy

Human Resources

- Ethics Policy
- Work Rules
- College/Departmental Policy
- Code of Student Life
- Policy on Sexual Misconduct, Dating/Domestic Violence, or Stalking Involving Students

Staff
Faculty
Students
Campus Visitors
How does the CIU become aware of a complaint?

- Complainant Report
- Academic and Administrative Officer (AAO)
- External Agency
- Referral (President, Provost, OSMRC, DPS, etc.)
- 3rd Party Report
Policy on Sexual Harassment

. . . persistent, repetitive or egregious unwelcome conduct directed at a specific individual or group of individuals that a reasonable person would interpret, in the full context in which the conduct occurs, as harassment of a sexual nature . . .
Definition of Sexual Harassment

- The conduct must be unwelcome
  - Unwanted, unsolicited behavior
  - Imposed on another
- The conduct must be of a sexual and/or romantic nature
- The university will address unwelcome conduct of a sexual and/or romantic nature even if it does not rise to the level of a policy violation

How do you know when your conduct is unwelcome?

- Body language (moved away, looked away, facial expressions)
- Responded to the joke/comment with a prolonged stony silence
- Complained to others about the conduct
- Told directly
## Would You Recognize Sexual Harassment?

### VERBAL
- Sexual stories or questions about a person’s sexual experiences or preferences
- Jokes or remarks
- Using “four-letter” obscenities
- Inappropriately commenting on a person’s body and/or appearance
- Asking for dates or propositions for sexual activity
- Making suggestive sounds or whistling
- Calling someone names such as honey, doll, babe, stud, hunk

### NON-VERBAL / VISUAL
- Staring/leering at a person
- Following or blocking a person
- Showing sexually explicit pictures, cartoons or other visuals
- Making suggestive gestures
- Sending unwanted notes or other material (email, texts, pictures)
- Giving unwanted personal gifts
- Exposure

### PHYSICAL
- Touching a person
- Leaning over a person
- Standing too close to a person
- Brushing up against a person
- Kissing / Hugging
- Caressing / Patting
- Pinching / Grabbing
- Actual/Attempted Rape
Types of Sexual Harassment

- **Quid Pro Quo (“This for that”)**
  - A person in a position of authority, typically a supervisor, demands sexual favors as a condition to getting or keeping a job benefit.

- **Hostile Work Environment**
  - Verbal, physical or visual forms of harassment, that are sexual in nature, “persistent, repetitive, or egregious" and unwelcome fall under the category of Hostile Environment Sexual Harassment.
  - A single, severe incident, such as sexual assault, could create a hostile environment. More commonly, a "hostile environment' created by a series of incidents.
Victims and Harassers...

- The victim may be any gender.
- The victim does not have to be of the opposite sex.
- The victim could be anyone affected by the offensive conduct.

- Harassment may be committed by:
  - Students, staff, and faculty;
  - Direct supervisor, supervisor in another area, a co-worker or a third party (e.g., students, contractors, salespeople, patients, customers, agent of employer)

- Harassment complaints may be made by:
  - Any member of the University community (e.g., students, staff, faculty)
  - Direct recipient of the behavior (i.e., victim)
  - Third party
  - The University itself
Stalking

A course of conduct directed at a specific person that would cause a reasonable person to feel fear.

- Examples of prohibited behavior that constitute stalking may include:
  - Following, pursuing, waiting, or showing up uninvited at a workplace, residence, classroom or other locations frequented by the victim
  - Vandalism, including attacks on data and equipment, etc.
  - Direct physical and/or verbal threats against a complainant or a complainant's family, friends, co-workers, and/or classmates including animal abuse;
  - Non-consensual communication (in-person telephone, text, email, social networking posts
  - Monitoring online activities, surveillance
Dating/Domestic Violence

Pattern of abusive behavior that one person uses to gain or maintain power and control over a current or former intimate or romantic partner

Physical abuse: Choking, hitting, slapping, shoving, grabbing, pinching, biting, hair pulling

Sexual abuse: Coercing or attempting to coerce any sexual contact or behavior without consent

Emotional abuse: Constant criticism, diminishing one's abilities, name-calling.

Psychological abuse: causing fear by intimidation; threatening physical harm to self, partner, children, or partner's family or friends; destruction of pets and property; and forcing isolation from family, friends, or school or work

Economic abuse: Withholding access to money, or forbidding attendance at school or employment

Physical abuse: Choking, hitting, slapping, shoving, grabbing, pinching, biting, hair pulling

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Academic or Administrative Officer (AAO)

- Collegiate Deans, Assoc. Deans, Asst. Deans
- Departmental Executive Officers
- Staff Advisors related to a student’s academic pursuits or other university-related activity
- Departmental director or coordinator of undergraduate or graduate studies, director or coordinator of any departmental, collegiate, or university off-campus academic program (including study abroad)
- President, EOD, VP’s, OSMRC, and Provost
- Directors and Supervisors in an Employment Context
- Human Resources Representatives and all university Human Resources staff

Note: The College of Liberal Arts and Sciences also includes teaching assistants and graduate assistants as academic officers who must report sexual misconduct involving students within the teaching assistant’s classroom or under a graduate assistant’s supervision.
# AAO Responsibility as a Mandatory Reporter

<table>
<thead>
<tr>
<th>Status of Alleged Victim/Survivor</th>
<th>Student</th>
<th>Staff or Faculty</th>
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<tr>
<td>Obligations of AAOs who learn of possible sexual harassment (including allegations of unwelcome sexual behavior)</td>
<td>Inform Complainant/victim of RVAP or DVIP advocacy services</td>
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<td>Refer Complaint/victim to OSMRC</td>
<td>Inform Complainant/victim of option to seek informal resolution or formal investigation</td>
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<td>Notify OSMRC within 2 business days</td>
<td>Notify OSMRC or EOD within 2 business days and Senior HR Representative</td>
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Confidential Resources

- Report information or concerns about harassment and/or potential policy violations
- Inquire about internal and/or external options, support and resources
  - Rape Victim Advocacy Program (RVAP)
  - Domestic Violence Intervention Program (DVIP)
  - Office of the Ombudsperson
  - Women’s Resources and Action Center (WRAC)
  - University Counseling Service (for students)
  - Faculty & Staff Services/Employee Assistance Program (FSS/EAP)
Community Confidential Resources

- Transformative Healing, [http://www.thiowa.org](http://www.thiowa.org); Iowa City Office, 319-389-8430
- CommUnity Crisis Services, [https://builtbycommunity.org/](https://builtbycommunity.org/) 319-351-0140
If Someone Confides in You as a “First Responder”…

- Respond with compassion
- Do not “investigate” their story
- Do not ask about their actions/thoughts before, during, or after the assault
  - This comes off as victim blaming
- Inform of options for resolution, including campus “Confidential Resources”
- Support in whatever ways you feel comfortable

**IF** Academic or Administrative Officer, you have key institutional responsibilities
Resources for Victim/Survivors

- Contact an advocate for 24hr assistance
- Make a policy complaint or consult about policies/procedures
- Seek medical assistance
- Make a criminal complaint or ask for police assistance
- Get support from confidential resource
- Ask for accommodation to address safety or other concerns
- Let the victim/survivor take the lead.

http://osmrc.uiowa.edu/victim-options
What Happens After You Make a Report?

- Reports come to OSMRC
  - AAO
  - EOD

- Outreach to reporting party
  - Email or phone outreach
  - Request to meet

- Initial meeting
  - Clarify reporting options
  - Link to victim advocate
  - Facilitate accommodations
Policy on Sexual Misconduct, Dating/Domestic Violence, or Stalking Involving Students

Sexual misconduct is a broad term encompassing any unwelcome behavior of a sexual nature that is committed without consent or by force, intimidation, coercion, or manipulation. The term includes:

- Sexual Assault
- Sexual Harassment
- Sexual Exploitation
- Sexual Intimidation
Consensual Relationships Involving Students

Governed romantic and/or sexual relationships between instructor and students:

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

Prohibits proposing or entering into a romantic or sexual relationship in an instructional context:

- Academic instruction
- Evaluation or supervision of academic work or participation in University programs

Instructor is held accountable.
Possible Scenarios…

1. Two colleagues go out together for a beer after work…
2. A student and faculty member romantically date each other…
3. An administrator is known for telling “off-colored” jokes…
4. A student is expected to read a novel containing a sexually explicit scene…
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
- Any Classification that deprives a person of consideration as an individual, including associational preference
Anti-Harassment Policy

The university is committed to maintaining an environment that recognizes the inherent worth and dignity of every person, and that fosters tolerance, sensitivity, understanding, and mutual respect. Harassment of any member of the university community is prohibited.
Anti-Harassment Policy

Conduct:
- intentional conduct (including speech)
- severe, pervasive or persistent
- interferes with university environment

Speech:
- Conduct that constitutes a protected exercise of an individual's rights under the First Amendment to the United States Constitution (and related principles of academic freedom) shall not be deemed a violation of this policy.
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
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*
Your Role and Responsibility

Everyone’s Responsibilities

• For cases of violence/physical assault- strongly encourage complainant/victim to contact law enforcement
• Call police if imminent danger to anyone (UI police if on campus, otherwise local law enforcement)
• Maintain a productive environment that is free from harassing or disruptive activity.
• Report or file a complaint about a situation as soon as possible.

Supervisors’ Responsibilities

• Monitor workplace behavior, enforce respect
• Treat all reports of unwelcome behavior seriously, privately, and confidentially. Do not ignore allegations.
• Ensure that retaliation does not occur.
University of Iowa statistics
FY 2018

Internal/External (50 Internal Formal/Informal Complaints and 40 ICRC/EEOC Complaints)
Number of Complaints received – 1,627 (1,507 processed)
Academic/Administrative Officer

Complainant seeking a Formal Investigation

Protected class basis? Must report allegation to EOD

Non-protected class

Respondent is Faculty
Dean or Provost

Respondent is Staff
Senior Human Resources Representative

Respondent is a Student
Dean of Students

Complainant seeking an Informal Resolution

Inform complainants about confidential resources if employee is unsure of how they want to proceed.

Facilitate informal resolutions and follow-up as appropriate.
Possible Steps Before Filing a Complaint

- Let the harasser know that his/her 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
## Formal vs. Informal Complaints

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<th>Informal</th>
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<td><strong>Purpose</strong></td>
<td>To establish whether there is a reasonable basis to believe that a violation of the policy has occurred.</td>
<td>To find a satisfactory resolution to the situation.</td>
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<td><strong>Respondent Informed?</strong></td>
<td>The respondent will be informed of the allegations, the identity of the complainant, and the facts surrounding the allegations.</td>
<td>Person(s) charged in the complaint will not ordinarily be informed of the complaint without the consent of the alleged victim unless circumstances require (such as when there are multiple complaints against the same person or allegations are particularly egregious).</td>
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<td><strong>Finding</strong></td>
<td>At the conclusion of the investigation, the investigating office will issue a written finding which will summarize the evidence gathered and state whether or not there is a reasonable basis for believing that a violation of this policy has occurred.</td>
<td>Information regarding the complaint may or may not be communicated to the respondent. (Closing Letter)</td>
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<td><strong>Discipline</strong></td>
<td>May be imposed as a result of a policy violation.</td>
<td>No disciplinary action can be taken against a person charged in an informal complaint unless the person is notified of the charges and given an opportunity to respond.</td>
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Key Protections in Policy

- Confidentiality
  - Investigations/outcomes are confidential
  - Parties should not discuss within environment
  - Finding should not be shared
- Retaliation (Both a protection and prohibition)
  - Complainants, Respondents, and witnesses protected
  - Breach of confidentiality may be retaliation
- Additional Protection of Accused/Respondents
  - Maliciously filed complaints
Questions?
For additional information, please contact...

Complaint Investigations Unit
202 Jessup Hall
319-335-0705
- Tiffini Stevenson Earl
- Steven Wehling
- Connie Schriver Cervantes
- Adrienna Sanchez

Office of the Sexual Misconduct Response Coordinator
335-6200
- Monique DiCarlo
- Sara Feldmann
- Alyssa Pomponio

Division of Diversity, Equity, and Inclusion