



Resource Guide for
Respondents in
Sexual Misconduct
and Title IX Matters

IOWA STATE
UNIVERSITY

Being accused of sexual misconduct can be confusing and unsettling. This guide provides information about Iowa State University’s sexual misconduct complaint resolution process and the resources and services available to you. If you have been accused of sexual misconduct, you are referred to as a “Respondent” during the complaint resolution process.

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Iowa State University is committed to fostering an environment in which all members of our campus community are safe and free from sexual misconduct of any form.

Iowa State University prohibits discrimination, which can include disparate treatment directed toward an individual or group of individuals, based on race, ethnicity, sex, pregnancy, color, religion, national origin, physical or mental disability, age, marital status, sexual orientation, gender identity, genetic information, status as a U.S Veteran (disabled, Vietnam, or other), or other protected class, that adversely affects a person's employment, education, or participation in a University activity.

Iowa State University also prohibits harassment, which can be a form of discrimination if it is unwelcome and is sufficiently severe, pervasive, or persistent to interfere with a person's employment, education, or participation in a University activity. Harassment may include, but is not limited to, threats, physical contact or violence, pranks, jokes, bullying, epithets, derogatory comments, vandalism, or verbal, graphic, or written conduct directed at an individual or individuals because of a person's membership or perceived membership in a protected class.

Iowa State University complies with federal and state laws that prohibit discrimination based on the protected categories listed above, including Title IX of the Education Amendments of 1972, which prohibits discrimination based on sex (including sexual misconduct) in the University's educational programs and activities.

Alleged violations of the University's anti-discrimination and anti-harassment policies are directed to Iowa State's Title IX Coordinator, located in the Office of Equal Opportunity (Beardshear Hall, 515-294-7612, eooffice@iastate.edu).

Individuals may also file a complaint with the Department of Education Office for Civil Rights by visiting www2.ed.gov/about/offices/list/ocr/complaintinto.tml or calling 800-421-3481.

Policy Definitions ¹

Complainant: The person reportedly impacted by prohibited conduct.

Respondent: The person reportedly accused of engaging in prohibited conduct.

Sexual assault: an extreme form of sexual misconduct representing a continuum of conduct from forcible intercourse to nonphysical forms of pressure that compel individuals to engage in sexual activity against a person's will.

Sexual exploitation: taking sexual advantage of another person without consent (e.g., voyeurism, lewd exposure, recording intimate activity, etc.).

Sexual harassment: unwelcome conduct of a sexual nature that creates a hostile, intimidating, or offensive environment.

Dating/domestic violence: coercive, abusive, and/or threatening behavior toward a current or former intimate or romantic partner. These behaviors may include physical, sexual, emotional, economic, or psychological actions or threats of actions that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, or injure the individual.

Stalking: a course of unwelcome conduct that causes a reasonable person to fear for their safety (e.g., threats, following, monitoring, communication, etc.).

Retaliation: materially adverse action directed at a person for reporting sexual misconduct or participating in an investigation or hearing.

Consent

Consent is an affirmative agreement between all parties, through clear actions or words, to engage in a specific sexual activity at the specific time of the activity.

Consent must be, **active, voluntary, and present and ongoing.**

Consent is not present when an individual does not have the capacity to give consent due to age, alcohol, drugs, medication, sleep, or other physical or mental conditions or disabilities.

Title IX

Title IX is a federal civil rights law that prohibits discrimination on the basis of sex in federally funded educational programs and activities. When allegations of sexual misconduct are brought to the attention of the University, the University will take prompt and effective steps to investigate and resolve the concern.

¹ All individuals should consult the university sexual misconduct policy for complete definitions, <http://www.policy.iastate.edu/policy/students/sexualmisconduct>

Reports to law enforcement and the University

A Complainant may choose to report allegations of sexual misconduct to law enforcement, Iowa State, both, or neither. The University's investigation and resolution process may occur concurrently with a criminal investigation.

Complaint investigation and resolution

When the University receives a report of a potential incident of sexual misconduct, the University's Title IX Coordinator, in the Office of Equal Opportunity (OEO), schedules a meeting to discuss the concern with the Complainant (i.e., the person impacted by the alleged sexual misconduct). If the Complainant files a formal complaint, or if the Title IX Coordinator determines that a formal complaint is appropriate, the University will initiate a prompt, thorough, fair, and impartial investigation and resolution process.

After meeting with the Complainant, OEO will notify the Respondent (i.e., the person accused of misconduct) of the complaint and seek to schedule a time to meet to discuss the allegations, the investigation and resolution process, and the Respondent's rights, resources, and responsibilities.

University investigations are conducted by professional investigator(s), who are trained in investigating sexual misconduct matters. During an investigation, the University does not take sides. The assigned investigator(s) acts as a neutral fact-finder who attempts to gather all relevant information reasonably available regarding the alleged incident. Generally, this includes interviewing the Complainant, Respondent, and any witnesses who are identified during the course of the investigation, as well as gathering available documentary, electronic, and physical evidence.

All parties in an investigation have corresponding rights, including the equal right to participate in the investigation, be accompanied by two advisor/support persons throughout the process, identify witnesses, provide evidence, participate in any hearing (if necessary), and appeal final determinations and sanctions (if necessary).

At the conclusion of the investigation process, the parties meet with a Title IX designee in order to review the outcome of the investigation and discuss the applicable adjudication process (if applicable). All determinations of responsibility and, if necessary, any sanctions, are made following a hearing before an appropriate administrative hearing officer or board. For all resolution processes, the preponderance of evidence standard ("more likely than not") will be used for determining responsibility. Specific information about the applicable adjudication processes can be found in section [5.7 of the ISU Student Disciplinary Regulations](#). A flow chart of the sexual misconduct complaint resolution process may be found on pages 8-10 of this resource guide.

Timeline

In all cases, the University will take prompt and effective steps to investigate allegations and address any effects of sexual misconduct. The University cannot guarantee a definite timeframe of this process, but ordinarily seeks to complete the investigation and initial disciplinary process within sixty (60) calendar days following receipt of the complaint. Factors that could impair the timing of the investigation include the complexity and severity of the conduct, the number and availability of witnesses, or the need to identify and acquire physical or other evidence.

Privacy & Confidentiality

Iowa State handles sexual misconduct reports discreetly and protects parties' privacy. Information is shared only with those who need to know in order to investigate and resolve the matter. Generally, however, University offices and employees cannot promise complete confidentiality, and the University may be required to act in situations that present a possible threat to an individual or the campus community.

Some resources, both on and off campus, are able to maintain complete confidentiality with respect to incidents of sexual misconduct. These confidential resources are identified on pages 12-13 of this resource guide.

During the investigation and resolution process, all parties are expected to keep the information related to the investigation and resolution process private, to the extent consistent with applicable law. This means that the parties involved in the process (Complainant, Respondent, witnesses and advisors) should not discuss the matter or share written materials related to the matter with anyone, unless it is necessary to receive advice and counsel. For example, parties may discuss the matter with advisors, health professionals, family members, and support persons.

Participation in the process

All parties have the right to participate, and the right to decline to participate, in the University's investigation and resolution process. However, it is understood that if a party declines to participate, the University may proceed without that party's participation. Respondents may be held accountable for any outcomes issued, even if they decline to participate.

Interference with an investigation

Any person who knowingly and intentionally interferes with an investigation conducted pursuant to University policy is subject to disciplinary action. Interference with an investigation may include, but is not limited to: attempting to coerce, compel, or prevent an individual from providing testimony; removing, destroying, or altering documentation relevant to the investigation; and/or providing false or misleading information to an investigator, or encouraging others to do so.

Advisors

All parties (Complainants, Respondents, and witnesses) may be accompanied and assisted by any two persons (advisor/support person) of the individual's choosing at any meetings, interviews, and any necessary hearings. Parties may choose to have an attorney serve as an advisor/support person at the party's own expense. Ordinarily, advisors may not speak on behalf of the party or directly participate in the process, although they may ask to suspend any meetings, interviews, or hearings briefly to provide advice and consultation.

For additional information regarding advisors and support persons, please see pages 12-14 for a non-exhaustive list of available resources and services.

Retaliation is prohibited

Iowa State strictly prohibits retaliation against any member of its community for reporting an incident of sexual misconduct or for participating in an investigation or hearing related to a report of sexual misconduct.

Retaliation is any materially adverse action taken, directly or through others, against an individual because of the person's report, or participation in the investigation of a report of misconduct, or objecting to or resisting such misconduct. Examples of retaliation include, but are not limited to: terminating someone's employment; reducing a grade; removing someone from an organization; direct or indirect intimidation, threats, or coercion; harassment; or other adverse treatment that is likely to deter reasonable people from pursuing an individual's rights.

Concerns of retaliation should be reported to the Office of Student Conduct or the Title IX Coordinator immediately.

Overview of the sexual misconduct complaint resolution process where Respondent is a student

The Office of Equal Opportunity (Title IX Staff) receives a report of sexual misconduct

A Title IX staff member contacts the person who may have experienced sexual misconduct to provide information about resources, support services, and interim remedial measures and extends an invitation to meet to discuss the concern.

The person decides whether or not to meet with a Title IX staff member.

The person chooses to meet. The staff member goes over resources and options. The person may request accommodations and may elect to proceed with an investigation.

The person chooses not to meet or requests not to proceed with an investigation. The University can typically honor that request.

The complainant chooses to proceed with an investigation. A Title IX investigator meets with the complainant to gather information about the concern. The complainant can suggest witnesses and provide evidence.

The Title IX investigator contacts and meets with all relevant witnesses provided by the complainant.

The Title IX investigator contacts the person who is alleged to have committed sexual misconduct (respondent) to notify them of the complaint, the resolution process, and the resources and support services available.

The Title IX investigator meets with the respondent to gather information. The respondent can suggest witnesses and provide evidence.

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The Title IX investigator contacts and meets with all relevant witnesses provided by the respondent.

The Title IX investigator completes the investigation by reviewing all evidence and statements provided by the complainant, respondent, and witnesses.

The Title IX investigator writes a summary report of the investigation. The complainant and respondent meet with a Title IX designee to review the investigation report and disciplinary process (if applicable).

If there is sufficient evidence suggesting a possible policy violation(s), the Office of Student Conduct begins the disciplinary resolution process.

If there is insufficient evidence suggesting a possible policy violation(s), the process is complete (subject to appeal by complainant).

The Office of Student Conduct determines if the violation constitutes a Level 1 or Level 2 violation. The respondent is sent a charge letter outlining the potential policy violation(s), violation level, and information for resolving the charge.

For Level 1 violations, three adjudication options are permissible. The respondent may choose one of the three options. Adjudication options can be found in section 5.7 of the Student Disciplinary Regulations.

Level 1 violations do have the potential for students to face suspension or expulsion from the university.

For Level 2 violations, respondents have an administrative hearing with a Student Conduct Officer.

Level 2 violations do not have the potential for students to face suspension or expulsion from the university.

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The chosen/assigned resolution process is scheduled through the Office of Student Conduct.

In preparation for the conduct hearing, the respondent can:

- Meet with a staff member in the Office of Student Conduct before the hearing to review the process
- Review the documents to be presented at the hearing

For any resolution process, the respondent will be notified by the Office of Student Conduct about the timeline and will be given notice of the hearing date.

During any resolution process, the respondent can:

- Be accompanied by two advisors of the individual's choosing, including legal counsel
- Present the case, including calling witnesses and presenting evidence
- Choose not to participate

The person(s) hearing the case will determine if, based on the preponderance of the evidence, the respondent is responsible or not responsible for violating the disciplinary regulations.

The respondent will be notified, in writing, the outcome of the resolution process. The complainant will be notified at the same time.

Any party may appeal a finding or sanction. Information on how to appeal is included in the outcome letters provided to the parties.

How to help a friend accused of sexual misconduct

Hear your friend's point of view.

Acknowledge your friend's feelings about the situation.

Refer your friend to other resources. You do not have to have all of the answers, and it is not your responsibility to fix the problem or determine what occurred. Let your friend know how much support you can provide and where other support is available.

Do

Encourage your friend to connect with the counseling resources on campus (see pages 12-13).

Talk to your friend about whether getting an advisor might help (see page 7).

Be honest with your friend about how much support you can offer.

Seek counseling for yourself if you need it. Supporting a friend can be difficult.

Learn more about Iowa State's Sexual Misconduct Policy and complaint resolution process at <http://www.policy.iastate.edu/policy/students/sexualmisconduct>

Do NOT

Offer to contact the Complainant on your friend's behalf. This could be seen as retaliation and result in disciplinary action.

Share your friend's story with others unless asked to do so as part of an investigation.

Interfere with an investigation by communicating with potential witnesses about the investigation or destroying possible evidence.

Tell your friend what to do.

Cast blame on your friend or on the person who brought the complaint.

Confidential Resources

Under Iowa law and University policy, communications with certain individuals are considered completely confidential. This means that, with very limited exceptions, any information shared by a party may not be used against them or shared with others. Generally, confidentiality applies when a party seeks services from the following persons:

- Psychological counselor (including counselors at ISU Student Counseling Services)
- Health care provider (including medical professionals at ISU Thielen Student Health Center)
- Personal attorney
- Religious/spiritual advisor

Students should always confirm whether confidentiality applies to the communication with the individual with whom they are seeking services.

ISU Student Counseling Services

Provides counseling services to students free of charge

Student Services Building, Third Floor

515-294-5056

<http://www.counseling.iastate.edu/counseling>

Mary Greeley Medical Center

Provides emergency medical treatment and in-patient services

1111 Duff Avenue, Ames, Iowa

515-239-2011

<http://www.mgmc.org>

Student Legal Services

Provides advice and represents students in a variety of legal matters (cannot discuss or participate in issues between University community members)

Memorial Union, Third Floor

515-294-0978

<http://www.studentlegal.dso.iastate.edu/>

The Legal Aid Society of Story County

Non-Profit organization that provides legal assistance in civil matters to individuals who cannot afford to hire an attorney

937 6th Street, Nevada, Iowa 50201

515-382-2471

<http://www.legalaidstory.com/>

Thielen Student Health Center

Provides general medical treatment and psychiatry services

Union Drive, Iowa State University

515-294-5801

<http://www.cyclonehealth.org/>

Campus Confidential Resources

By designation of University policy, campus confidential resources are not “responsible employees” in relation to reports of sexual misconduct/assault. This means that campus confidential resources do not have obligations to report sexual misconduct/assault to the Title IX Coordinator, and will not testify in any formal university proceeding. By visiting with campus confidential resources, you agree that the campus confidential resource will not disclose the contents of your conversation or disclose personally identifiable information, unless given express permission by you. This agreement promotes access to resources and support, and helps provide a safe and neutral place for discussing concerns of a sensitive nature. If you want to put the University on notice of a potential policy or legal violation (including reports of sexual misconduct/assault), you should contact the Title IX Coordinator, a Deputy Title IX Coordinator, ISU PD, or designated responsible employee. Campus confidential resources can assist you in connecting with these individuals and offices.

Exceptions to confidentiality will be made in cases involving risk of serious harm to self or others and disclosures of child abuse. **Please note, campus confidential resources are not protected under Iowa law as confidential or privileged.** This means that information shared with a campus confidential resource may be subject to [legal](#) subpoena and/or used as evidence in any external judicial or administrative proceeding.

Lesbian Gay Bisexual Transgender Student Services (LGBTSS)

Provides programs, services, referrals and resources focused on sexual identity/ orientation and gender identity/ expression for students

1064 Student Services Building

515-294-5433

<http://www.lgbtss.dso.iastate.edu/>

Margaret Sloss Women’s Center (MSWC)

Provides support and information through educational outreach, appropriate referral services, and a safe space

Sloss House on the ISU Campus

515-294-4154

<http://www.mswc.dso.iastate.edu/>

Non-Confidential Resources

Ames Police Department

Can assist in determining if you want to file criminal charges and navigating the criminal process for off-campus incidents

515 Clark Avenue, Ames, Iowa

515-293-5133

<http://www.cityofames.org/index.aspx?page=156>

Iowa State Police Department

Can assist in determining if you want to file criminal charges and navigating the criminal process for on-campus incidents

Armory Building, Room 55

Emergencies: 911

Non-Emergencies: 515-294-4428

<http://www.police.iastate.edu>

Student Assistance and Outreach Services

Provides assistance navigating processes and procedures at the University

Student Services Building, First Floor

515-294-1020

<http://www.studentassistance.dso.iastate.edu/>

Office of Equal Opportunity

Provides information about reporting sexual misconduct at Iowa State

Beardshear Hall

515-294-7612

<http://www.eoc.iastate.edu/>

Office of Student Conduct

Provides information on the code of conduct and disciplinary processes

Provides information on university Restricted Contact Notices

Student Services Building, First Floor

515-294-1020

<http://www.studentconduct.dso.iastate.edu/>

Accommodations and Protective Measures

Students may ask the University for accommodations to address safety, support, and other concerns relating to reports of sexual misconduct. Complainants, Respondents, and witnesses may request reasonable accommodations, such as academic assistance, housing or workspace relocation, work or class schedule adjustments, restricted contact notices, and counseling. These accommodations are available regardless of whether a person decides to make a formal complaint.

In some cases, in order to protect the safety and security of the Complainant and/or the community while a case is pending, the University may take interim actions that impact a Respondent, including temporary housing relocation, removal from a class, or an interim suspension. Students should contact the University's Title IX Coordinator and/or Office of Student Assistance for help in understanding or obtaining any of these services.

Title IX Coordinator and Deputy Title IX Coordinators

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Director of Equal Opportunity

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Adrienne Lyles, Senior Deputy Title IX Coordinator

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