

**POLICY 13.02: DISCRIMINATION, HARASSMENT, AND SEXUAL MISCONDUCT**

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## **1. Purpose & Policy Statement**

The University (referred to as “University” or “UNI”) is committed to providing an educational and employment environment that is free from discrimination and harassment on the basis of protected characteristics. To affirm this commitment and to ensure compliance with federal and state civil rights laws and regulations, the University has developed this Policy and corresponding procedures that provide a prompt, fair, and impartial resolution of allegations of discrimination or harassment on the basis of protected characteristics, and for allegations of retaliation. The University values and upholds the equal dignity of all members of its community and strives to balance the rights of the Parties in the resolution process during what is often a difficult time for all those involved.

## **2. Scope**

This Policy prohibits all forms of discrimination based on protected characteristics and may be applied to incidents, to patterns, and/or to the campus climate, all of which may be addressed and investigated in accordance with this Policy.

This Policy applies to all employees, students, and other individuals participating in or attempting to participate in the University’s education programs or activities, including education and employment. A Formal Complaint process may be available regardless of the status of the Complainant, who may or may not be a member of the University community. This community includes, but is not limited to, students, student organizations, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, invitees, and campers. The Respondent must be a member of the University community, including students, faculty, staff, and visitors, in order for this Policy to apply.

All vendors and contractors serving the University through third-party contracts are subject to this Policy and related procedures.

This Policy applies to conduct that takes place on campus or on property owned or controlled by the University, at University-sponsored events, and in buildings owned or controlled by University-recognized student organizations. This Policy can also be applicable to the effects of off-campus misconduct that effectively limit or deny a person’s access to the University’s education programs and activities. The University may also extend jurisdiction to off-campus and/or to online conduct when the Policy Administrator determines that the conduct affects a substantial University interest.

A substantial University interest includes:

- Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
- Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student, employee, or other individual;
- Any situation that significantly impinges upon the rights, property, or achievements of others or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that substantially interferes with the educational interests or mission of the University.

Regardless of where the conduct occurred, the University will assess notices/complaints to determine whether the conduct occurred in the context of its employment or education program or activity and/or has continuing effects on campus or in an off-campus sponsored program or activity.

If the Respondent is unknown or is not a member of the University community, the Policy Administrator will assist the Complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report.

See Process A or Process B for corresponding procedures to be followed when a Respondent leaves the University.

### **3. Definitions**

The following terms are used within this Policy and/or related Process A and Process B procedural documents.

- *Advisor*: a person chosen by a Party or appointed by the institution to accompany the Party to meetings related to the resolution process, advise the Party on that process, and conduct questioning for the Party at the hearing, if applicable.
- *Appeal*: any Party may file an Appeal of the Written Determination as detailed in the corresponding procedures. Once an Appeal is decided, the outcome is final and no further Appeals are allowed.
- *Appeal Officer*: the person who accepts or rejects a request for appeal, determines whether any of the grounds for appeal are met, and directs responsive action(s) accordingly.
- *Complainant*: an individual who has allegedly been subjected to conduct that could constitute discrimination, harassment, retaliation, or other prohibited conduct under this Policy.
- *Confidential Resource*: an individual from a designated organization or University office who is not a Mandated Reporter of discrimination, harassment, retaliation, and/or other prohibited conduct under this Policy (irrespective of Clery Act Campus Security Authority status). See Section 6D.
- *Day*: all days when the University is open. Saturdays, Sundays, holidays, and days when the University is closed are not counted.
- *Decision Maker*: the person who reviews evidence, determines relevance, makes the final determination of whether the alleged conduct has violated this Policy, and recommends appropriate sanctions.
- *Discrimination*: different treatment with respect to a person's employment or participation in an education program or activity based, in whole or in part, upon the person's actual or perceived protected characteristic(s). See Section 9.
- *Education program or activity*: locations, events, or circumstances where the University exercises substantial control over both the Respondent and the context in which the alleged conduct occurs. Also includes any building owned or controlled by a student organization that is officially recognized by the University.

- *Employee*: a person employed by the University, either full- or part-time, including student employees when acting within the scope of their employment, but not including volunteers or emeritus status individuals.
- *Evidence*: information gathered through the investigation process.
  - *Directly Related Evidence*: information connected to the allegations, but neither proves nor disproves a violation. Directly related evidence cannot be relied upon by the Decision Maker.
  - *Relevant Evidence*: information that tends to prove or disprove any element of an issue material to resolving a complaint. Relevant evidence may be relied upon by the Decision Maker when determining whether a violation occurred.
- *Facilitator*: an individual who facilitates the logistics of hearings, including but not limited to the assignment of rooms, flow of parties in and out of the space, ensuring recordings and technology are working as intended, distributing materials to participants, etc.
- *Finding*: a conclusion by the preponderance of evidence standard that a specific conduct did or did not occur as alleged (as in a “finding of fact”); not to be mistaken for the Written Determination of whether Policy was violated.
- *Formal Complaint*: a document submitted or signed by a Complainant or signed by the Policy Administrator alleging a Respondent engaged in discrimination, harassment, retaliation, and/or other prohibited conduct under this Policy and requesting that the University investigate the allegation(s). See Section 6B.
- *Formal Complaint Process*: a method of formal resolution to address alleged conduct that falls within this Policy, and which follows Process A or Process B as determined by the Policy Administrator. Process A and Process B are the procedures by which a Formal Complaint is resolved under this Policy and are maintained as separate procedural documents and in accordance with appropriate regulatory requirements.
- *Harassment*: unwelcome conduct on the basis of actual or perceived protected characteristic(s). See Section 9.
- *Hearing*: where the Decision Maker brings together the Complainant, Respondent, their Advisors, the Investigator, and witnesses to review the details of the case and conduct questioning. Hearings only apply to the Process A Formal Complaint Process.
- *Informal Resolution*: a resolution the parties agree to, and the Policy Administrator approves, which occurs prior to a Written Determination.
- *Investigation Report*: the Investigator’s written summary of all relevant evidence gathered during the investigation. Versions include the Draft Investigation Report and the Final Investigation Report.
- *Investigator*: the person(s) authorized by the University to gather facts about an alleged violation of this Policy, assess relevance and credibility, synthesize the evidence, and compile

this information into an investigation report and a file of evidence.

- *Mandated Reporter*: an employee of the University who is obligated by this Policy to share knowledge, notice, allegations, and/or reports of discrimination, harassment, retaliation, and/or other prohibited conduct defined in this Policy with the Policy Administrator. See Section 6C.
- *Notice*: when the Policy Administrator or other Official With Authority receives information regarding an alleged occurrence of discrimination, harassment, retaliation, or other prohibited conduct under this Policy.
- *Official with Authority (OWA)*: an employee of the University who has responsibility to implement responsive measures for discrimination, harassment, and/or retaliation on behalf of the University. See Section 4.A.ii.
- *Parties*: include the Complainant(s) and Respondent(s), collectively.
- *Policy Administrator*: the person with primary responsibility for overseeing and enforcing Policy 13.02 and other related policies and procedures, typically the Director, Office of Civil Rights Compliance. As used throughout this Policy, the “Policy Administrator” also includes their designees. The Director, Office of Civil Rights Compliance serves as the Title IX Coordinator; the Equal Opportunity Officer (Title VI, Title VII); the Vietnam Era Veterans’ Readjustment Assistance Act (VEVRAA) Officer; and the ADA/Section 504 Coordinator; and has the primary responsibility for coordinating the University’s efforts related to the intake, implementation of Supportive Measures, investigation, resolution, and implementation of measures to stop, remediate, and prevent discrimination, harassment, and retaliation under this Policy. No employee is authorized to resolve reports or complaints covered by this Policy without the involvement of the Policy Administrator.
- *Process A*: the resolution procedures (Formal Complaint Process) for only those complaints that fall under the definition of sexual harassment as detailed in federal Title IX regulations (Section 9C2). See [civilrights.uni.edu](https://civilrights.uni.edu) for details of Process A. (<https://civilrights.uni.edu/>)
- *Process B*: the resolution procedures that apply when Process A does not apply, as determined by the Policy Administrator. See [civilrights.uni.edu](https://civilrights.uni.edu) for details of Process B. (<https://civilrights.uni.edu/>)
- *Process Team*: the Policy Administrator, Deputy/Designee, and any Facilitator, Investigator, Decision Maker, Appeal Officer, and Advisor who may perform any or all of these roles (though not at the same time or with respect to the same case).
- *Protected Characteristic*: any characteristic for which a person is afforded protection against discrimination and harassment by law and/or University Policy. (See Appendix A.)
- *Reasonable Person*: a reasonable person under similar circumstances and with similar identities to the Complainant.

- *Retaliation*: adverse action, including threatening, coercing, harassing, or discriminating behaviors toward an individual for the purpose of interfering with any right or privilege secured by this Policy as detailed in Section 9D.
- *Remedies*: typically, post-resolution actions taken by the University to address safety, prevent recurrence, and to restore access to the University's education program or activity.
- *Report*: the initial information or notification (notice) provided by anyone to the Policy Administrator or OWA regarding a concern of discrimination, harassment, retaliation, and/or other prohibited conduct. A report does not constitute a Formal Complaint.
- *Resolution*: the result of a Formal Complaint Process or an Informal Resolution.
- *Respondent*: a person who is alleged to have engaged in conduct that could constitute discrimination, harassment, retaliation, or other prohibited conduct under this Policy.
- *Sanction*: a consequence imposed by the University on a Respondent who is found to have violated this Policy.
- *Sexual Misconduct*: a broad term encompassing any unwelcome behavior of a sexual nature.
- *Student*: person enrolled at the University of Northern Iowa; person who is not enrolled for a particular academic term but who has a continuing educational relationship with the University; person who has been notified of their acceptance for admission; person who is participating in programs sponsored by the University and another college or university (e.g. community college partnership agreements), although not enrolled at this institution; or person who was defined as a student at the time of their alleged misconduct.
- *Supportive Measures*: non-disciplinary, non-punitive, individualized services offered to restore or preserve access to the University's education program, activity, or workplace. See Section 7.
- *Title IX Coordinator*: the official designated by the University to ensure compliance with Title IX federal regulations and the University's Title IX program. References to the Title IX Coordinator throughout this Policy are referred to as Policy Administrator and may also encompass a designee of the Title IX Coordinator/Policy Administrator for specific tasks, including Deputy Title IX Coordinators.
- *Title IX Sexual Harassment*: sexual harassment as defined by federal Title IX regulations including sexual harassment, sexual assault, dating violence, domestic violence, and stalking as defined by applicable federal law or regulations. See Section 9C2.
- *Written Determination*: a conclusion drawn by the Decision Maker, utilizing the preponderance of evidence standard, that the alleged conduct did or did not violate this Policy.

#### **4. Administrative Contact Information**

##### **A. Internal (On-Campus).**

Inquiries, reports of alleged Policy violations, or Formal Complaints regarding this Policy may be made internally to the following:

##### **i. Policy Administrators.**

Christina Roybal  
Interim Director, Office of Civil Rights Compliance & Title IX Coordinator  
Office of Civil Rights Compliance, 117 Gilchrist, 319.273.2846  
[christina.roybal@uni.edu](mailto:christina.roybal@uni.edu), [Office of Civil Right Compliance](https://civilrights.uni.edu/) (https://civilrights.uni.edu/)

Kaylee Michelson  
Assistant Director & Title IX Deputy Coordinator  
Office of Civil Rights Compliance, 117 Gilchrist, 319.273.2846  
[kaylee.michelson@uni.edu](mailto:kaylee.michelson@uni.edu), [civilrights.uni.edu](https://civilrights.uni.edu/) (https://civilrights.uni.edu/)

Stacia Eggers  
Senior Associate Athletic Director & Title IX Deputy Coordinator for Athletics  
Department of Athletics, 106 Human Performance Center, 319.273.3326  
[stacia.eggers@uni.edu](mailto:stacia.eggers@uni.edu), [civilrights.uni.edu](https://civilrights.uni.edu/) (https://civilrights.uni.edu/)

Collectively, these individuals are responsible for providing nondiscrimination education and training; coordinating the University's timely, thorough, and fair response; investigation and resolution of all alleged prohibited conduct under this Policy; and monitoring the effectiveness of, and any barriers to, accessing the Policy and related procedures to ensure an education and employment environment free of discrimination, harassment, retaliation, and other prohibited conduct as covered under this Policy. In addition, other appropriately trained individuals may be called upon to serve as a Policy Administrator when needed. Individuals serving in that capacity will receive regular training necessary to serve.

The University recognizes that allegations under this Policy may include violations of other University policies and may require the simultaneous attention of multiple University departments. Accordingly, all University departments will combine efforts, share information, and otherwise collaborate to the maximum extent permitted by law and consistent with other applicable University policies, and to provide uniform, consistent, efficient, and effective responses to alleged discrimination, harassment, retaliation and other prohibited conduct.

##### **ii. Officials With Authority (OWA).**

The University has determined that the following administrators are Officials with Authority (OWA) to implement responsive measures to reports of sex-based discrimination, harassment, or retaliation. In addition to the Policy Administrator, an OWA may also accept reports or complaints on behalf of the University. OWAs include the President, and Vice Presidents/Division Heads, as well as staff members within the Office of Civil Rights Compliance. Any reports or complaints received by an OWA will be resolved through this Policy and related procedures.

**iii. Mandated Reporters.**

The University has also classified most employees as Mandated Reporters of any knowledge they have that a member of the University community is experiencing discrimination, harassment, retaliation, and/or other prohibited conduct under this Policy. See Section 6.C below for additional detail on the importance of reporting and the related duties of employees.

**B. External (Off-Campus).**

In addition to filing a report or a Formal Complaint with the University, individuals who believe they may have been the subject of discrimination prohibited by state and/or federal law(s) may contact one or more of the following agencies for advice, assistance, and explanation of filing requirements:

Office for Civil Rights (OCR), US Department of Education  
 Cedar E. Chavez Memorial Building  
 1244 Speer Boulevard, Suite 310  
 Denver, CO 80204-3582  
 Fax: (303) 844-5695  
 TDD: (800) 877-8339  
 Email: [OCR.Denver@ed.gov](mailto:OCR.Denver@ed.gov)  
 Web: <http://www.ed.gov/ocr> (<http://www.ed.gov/ocr>)  
 (<http://www2.ed.gov/about/offices/list/ocr/index.html>)

US Equal Employment Opportunity Commission (EEOC)  
 Reuss Federal Plaza  
 310 W. Wisconsin Avenue, Suite 500  
 Milwaukee, WI 53203  
 Phone: (414) 662-3680  
 Fax: (414) 297-4133  
 TTY: (800) 669-6820  
 Web: [www.eeoc.gov/](http://www.eeoc.gov/) (<http://eeoc.gov/>)

Iowa Office of Civil Rights (IOCR)  
 6200 Park Ave, Suite 100  
 Des Moines, IA 50321  
 Phone: (515) 281-4121  
 Web: <https://icrc.iowa.gov/> (<https://icrc.iowa.gov/>)

US Department of Housing and Urban Development  
 Des Moines Field Office  
 210 Walnut Street, Room 937  
 Des Moines, IA 50309-2155  
 Phone: (515) 284-4512  
 Web: <https://www.hud.gov/contactus/local> (<https://www.hud.gov/contactus/local>)

## **5. Conflicts of Interest**

The Policy Administrator manages the Process Team and acts with independence and authority. The Policy Administrator oversees all resolutions under this Policy and corresponding procedures. The members of the Process Team are vetted and trained to minimize the potential of bias for or against any Party in a specific case, or for or against Complainants and/or Respondents, generally.

Concerns of bias, discrimination, or a potential conflict of interest by a Process Team member should be raised with the Policy Administrator. To raise concern of bias, discrimination, or conflict of interest by the Policy Administrator, contact the University President at 319.273.2566 or [president@uni.edu](mailto:president@uni.edu).

Upon receiving a report of bias, discrimination, or conflict of interest, details of the report will be reviewed and a ruling made as to whether a conflict exists. If it is determined that no conflict exists, the process will continue with the Process Team Member and/or Policy Administrator in place. If it is determined that a conflict exists, the conflicted role will be reassigned to another Process Team member or appropriately trained individual. In either circumstance, this Policy and the respective procedures will be followed.

## **6. Reports and Formal Complaints**

### **A. Reports**

A report provides the University with notice of an allegation or concern and provides an opportunity for the Policy Administrator to provide information, resources, and supportive measures to the Complainant. A Complainant may initially make a report and decide at a later date to make a Formal Complaint.

Reports of discrimination, harassment, retaliation and/or other prohibited conduct may be made by anyone using the following options:

- Report to the Policy Administrators and/or OWAs noted above. Reports may be made in person, by phone, or by email.
- Report online, using the reporting form posted at [civilrights.uni.edu](http://civilrights.uni.edu) (civilrights.uni.edu) or [safety.uni.edu](http://safety.uni.edu) (safety.uni.edu).
- Anonymous reports are accepted but can limit the University's ability to respond and provide Supportive Measures and other resources.

Reporting carries no obligation to file a Formal Complaint and, in most situations, the University is able to respect a Complainant's request to not initiate an investigation or other resolution procedures. However, there may be circumstances, such as pattern behavior, allegations of severe misconduct, or a compelling threat to health and/or safety, where the University may need to initiate an investigation or other appropriate actions. If a Complainant does not wish to file a Formal Complaint, the University will maintain privacy of the information to the extent permitted by law and university obligations.

### **B. Formal Complaints**

A Formal Complaint is separate from the initial report and refers to a document submitted or signed by the Complainant and/or signed by the Policy Administrator alleging a Policy violation

and requesting that the University investigate the allegation(s). A Formal Complaint may be filed with the Policy Administrator in person, by mail, or by electronic mail, by using the contact information in Section 4A. As used in this paragraph, the phrase “document submitted or signed by a Complainant” means a document or electronic submission that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint.

If the Formal Complaint is submitted that does not meet this standard or is lacking sufficient information, the Policy Administrator will provide notice to the Complainant.

### **C. Mandated Reporting**

Reporting allows the Policy Administrator to immediately offer appropriate resources and Supportive Measures regardless of whether the Complainant chooses to pursue other options.

If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter can connect them with resources to report crimes and/or Policy violations, and these employees will immediately pass reports to the Policy Administrator (and/or police, only if desired by the Complainant or required by law), who will take action when an incident is reported to them.

All employees of the University (including student employees), with the exception of those who are designated as Confidential Resources, are Mandated Reporters and must promptly share with the Policy Administrator all known details of a report made to them in the course of their employment relating to issues and behaviors related to this Policy.

Employees must also promptly share all details of behaviors under this Policy that they observe or have knowledge of, even if not reported to them by a Complainant or third-Party.

Complainants may want to carefully consider whether they share personally identifiable details with Mandated Reporters, as those details must be shared with the Policy Administrator.

Generally, disclosures in climate surveys, classroom writing assignments or discussions, human subjects research, or at events such as marches or speak-outs do not provide notice that must be reported unless the Complainant clearly indicates that they desire a report to be made or seek a specific response from the University. Supportive Measures may be offered by the Policy Administrator as the result of such disclosures regardless of whether the Complainant chooses to pursue any University action.

Failure of a Mandated Reporter to report an incident of discrimination or harassment or of which they become aware is a violation of University Policy and can be subject to disciplinary action.

A Mandated Reporter who is the target of harassment or other misconduct under this Policy is encouraged, but not required, to report their own experience.

#### **D. Confidential Reporting**

Those designated by the University as Confidential Resources are not required to report actual or suspected discrimination, harassment, retaliation, or other prohibited misconduct in a way that identifies the Parties. They are, however, required to provide the Complainant with the contact information for the Office of Civil Rights Compliance and to offer information on resources and options without any obligation to inform anyone unless the Complainant has requested the information be shared.

The following employees and vendors are considered Confidential Resources under this Policy:

- UNI Counseling Center licensed professional counselors and staff
- Employee Assistance Program licensed professional counselors and staff
- UNI Student Health Clinic providers and staff
- Riverview Center UNI Campus Coordinator/Sexual Assault Advocate
- Athletic trainers (if licensed and privileged under Iowa state statute, and/or working under the supervision of a health professional)
- Off-campus:
  - Licensed professional counselors and other medical providers
  - Crisis counselors
  - Domestic violence and sexual assault resources
  - Local or state assistance agencies
  - Clergy/Chaplains
  - Attorneys

Employees who are confidential and who receive reports within the scope of their confidential roles will submit timely anonymous statistical information to the Clery Compliance Officer for Clery Act purposes.

#### **E. Time Limits on Reporting**

There is no time limitation on providing reports and Formal Complaints to the Policy Administrator. However, if the Respondent is no longer subject to the University's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

Acting on reports and Formal Complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of Policy) is at the discretion of the Policy Administrator, who may document allegations for future reference, offer Supportive Measures and/or remedies, and/or engage in informal or formal action, as appropriate.

When reports/Formal Complaints are affected by time delay, the University will typically apply the Policy in place at the time of the alleged misconduct and the procedures in place at the time of report/Formal Complaint.

#### **F. Privacy**

Every effort is made by the University to preserve the privacy of reports and Formal Complaints. The University will not share the identity of any individual who has made a report or Formal Complaint of discrimination, harassment, and/or retaliation; any Complainant; any Respondent; or any witness, except as permitted by, or to fulfill the purposes of, applicable laws and regulations (e.g., Title IX, Family Educational Rights and Privacy Act (FERPA)), or as

required by law; including any investigation or resolution proceeding arising under this Policy and related procedures.

The University reserves the right to determine which University officials have a legitimate educational interest in being informed about reports or Formal Complaints that fall within this Policy, pursuant to FERPA. Only a small group of officials who need to know will typically be told about the report or Formal Complaint, including but not limited to: Office of Civil Rights Compliance, University Counsel, and an employee Respondent's Director/Department Head, Dean, and Vice President/Division Head. Information will be shared as necessary with Investigators, Decision Makers, witnesses, and the Parties. The group of people with this knowledge will be kept as tight as possible to preserve the Parties' rights and privacy.

Parties and Advisors are expected to respect the confidential nature of all information created by or shared with them by the University during any stage of the resolution process. Parties are entitled to share their own accounts and experiences but are encouraged to consider the sensitivity of the matter if they do so and should consult with their Advisors on any potential implications of doing so.

The University may contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk but will usually consult with the student first before doing so.

#### **G. Federal Timely Warning and Reporting Obligations**

Parties reporting sexual assault, dating violence, domestic violence, and/or stalking should be aware that under the Clery Act, the University's Clery Compliance Officer must issue timely warnings for incidents reported to them that are considered by the institution to represent a serious or continuing threat to students and employees.

The University will ensure that a Complainant'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 potential danger.

Certain campus officials, those deemed Campus Security Authorities (CSAs), have a duty to report the following for federal statistical reporting purposes (Clery Act):

- All "primary crimes," which include criminal homicide (murder and non-negligent manslaughter and negligent manslaughter), sex offenses (rape, fondling, incest, statutory rape), robbery, aggravated assault, burglary, motor vehicle theft, and arson;
- Hate crimes, which include any bias-motivated primary crime as well as any bias-motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property;
- Violence Against Women Act (VAWA<sup>1</sup>-based crimes), which include sexual assault, domestic violence, dating violence, and stalking;
- Arrests and referrals for disciplinary action for weapons law violations, liquor law violations, and drug law violations; and
- Hazing.

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<sup>1</sup> VAWA is the Violence Against Women Act, enacted in 1994 codified in part at 42 U.S.C. sections 13701 through 14040.

All personally identifiable information is kept private, but information regarding the type of incident and its general location must be shared with the Clery Compliance Officer for publication in the Annual Security Report and Daily Crime Log. Refer to [Policy 7.08](#) for further details regarding Clery and CSA reporting requirements (<https://policies.uni.edu/708>).

## **7. Supportive Measures**

The University will offer and implement appropriate and reasonable Supportive Measures to the Parties upon notice of alleged discrimination, harassment, and/or retaliation under this Policy. Supportive Measures are non-disciplinary, non-punitive, individualized services offered as appropriate and as reasonably available. They are offered, without fee or charge to the Parties, to restore or preserve access to the University's education program, activity, or workplace, including measures designed to protect the safety of all Parties and/or the University's educational environment and/or to deter discrimination, harassment, retaliation, and/or prohibited conduct.

The Policy Administrator promptly makes Supportive Measures available to the Parties upon receiving a report or a Formal Complaint. At the time that Supportive Measures are offered, the University will inform the Complainant, in writing, that they may file a Formal Complaint with the University either at that time or in the future, if they have not done so already, and if the Respondent is a current member of the campus community.

The University will maintain the confidentiality of the Supportive Measures provided it does not impair the University's ability to provide the Supportive Measures. The University will act to ensure as minimal an academic/occupational impact on the Parties as possible. The University will implement measures in a way that does not unreasonably burden another Party. The Policy Administrator is responsible for coordinating Supportive Measures and may share information with others as needed to carry out Supportive Measures. Supportive Measures will be provided in writing to responsible units for implementing any actions.

Supportive Measures may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- One-on-one coaching
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid counseling
- Education to the institutional community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Providing parking or transportation assistance
- Implementing contact limitations (No Contact Orders) between the parties<sup>2</sup>
- Academic support, extensions of deadlines, or other course/program-related adjustments

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<sup>2</sup> Violations of No Contact Orders issued under this Policy will be handled under provisions listed in Section 9.

- Crime alerts/Timely warnings
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Policy Administrator

## **8. Emergency Removal/Interim Actions & Leaves**

Students: The University may remove a student Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Policy Administrator in conjunction with other relevant administrators using objective risk assessment procedures and procedures related to this Policy. See procedural documents (Process A and Process B).

Employees: The Division Head of an employee Respondent, in consultation with Human Resource Services and/or at the request of the Policy Administrator, may place an employee Respondent on administrative leave.

## **9. Prohibited Conduct**

This Policy covers nondiscrimination in both employment and access to educational opportunities. Therefore, any member of the University community whose acts deny, deprive, or limit the educational or employment or residential and/or social access, benefits, and/or opportunities of any member of the University community, guest, or visitor on the basis of that person's actual or perceived protected characteristic(s) listed below is in violation of this University Policy.

When brought to the attention of the University, any such discrimination will be promptly and effectively addressed using the applicable resolution process outlined in Process A or Process B procedures.

Academic Freedom/First Amendment. This Policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial or sensitive, subject matters protected by academic freedom. When speech or conduct is protected by academic freedom and/or the First Amendment, it will not be considered a violation of University Policy, though Supportive Measures will be offered to those impacted.

Nothing in this Policy is intended to infringe upon or limit a person's free speech rights. Any online posting or other electronic communication by employees or students, including technology-facilitated stalking, harassment, etc., that may constitute a violation of this Policy and occurs completely outside of the University's control (e.g., not on University networks, websites, or between University email accounts) will only be subject to this Policy when such online conduct can be shown to cause (or will likely cause) a substantial in-program disruption or infringement on the rights of others. Otherwise, such communications are considered speech protected by the First Amendment. Supportive Measures for Complainants may be provided, but protected speech cannot legally be subjected to discipline.

Pattern Offenses. Any of the prohibited conduct offenses outlined in Section 9 can be charged as or combined as pattern offenses, in which case the Notice of Investigation and Allegations (NOIA) will clearly indicate that both individual incidents and a pattern of conduct are being investigated. A pattern

may exist and be charged when there is a potential substantial similarity between incidents where the proof of one could make it more likely that the other(s) occurred, and vice versa. Where a pattern is found, it can be the basis to enhance sanctions accordingly.

When situations arise around campus climate, the prohibited conduct offenses may or may not be charged for purposes of a campus climate investigation.

The University seeks to comply with all federal and state civil rights laws and regulations prohibiting discrimination in public institutions of higher education. The sections below describe the specific forms of prohibited discrimination, harassment, retaliation, and conduct under this Policy. All offense definitions encompass actual and/or attempted offenses.

Protected Characteristics<sup>3</sup>. The University does not discriminate against any employee, applicant for employment, student, or applicant for admission on the basis of any/all of the following:

- Age,
- Color,
- Creed,
- Disability,
- Ethnicity,
- Genetic Information,
- Marital Status,
- National Origin,
- Political Affiliation,
- Pregnancy,
- Race,
- Religion,
- Sex,
- Sexual orientation,
- Veteran or military status (including disabled veteran, recently separated veteran, active-duty wartime or campaign badge veteran, and Armed Forces Service Medal veteran),
- any other protected category under applicable local, state, or federal law, including protections for those opposing discrimination or participating in this Policy's resolution process, or with any external civil rights agency.

#### **A. Discrimination**

Discrimination is different treatment with respect to a person's employment or participation in an education program or activity based, in whole or in part, upon the person's actual or perceived protected characteristic(s). Discrimination also includes allegations of a failure to provide reasonable accommodations as required by law or Policy, such as for disability<sup>4</sup>, religion, or creed.

Discrimination can take two primary forms:

##### **i. Disparate Treatment Discrimination:**

- Any intentional differential treatment of a person or persons that is based on a person's actual or perceived Protected Characteristic and that:

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<sup>3</sup> See Appendix A for definitions of individual Protected Characteristics.

<sup>4</sup> See also Policy 13.15 Campus Accessibility & Accommodations of Disabilities.

- Excludes a person from participation in;
- Denies the person benefits of; or
- Otherwise adversely affects a term or condition of a person's participation in a University program or activity.

#### **ii. Disparate Impact Discrimination:**

- Disparate impact occurs when policies or practices that appear to be neutral unintentionally result in a disproportionate impact on a protected group or person that:
  - Excludes a person from participation in;
  - Denies the person benefits of; or
  - Otherwise adversely affects a term or condition of a person's participation in a University program or activity.

#### **B. Discriminatory Harassment**

Discriminatory harassment is unwelcome conduct on the basis of actual or perceived protected characteristic(s) that, based on the totality of the circumstances, is subjectively and objectively offensive, and so severe or pervasive, that it limits or denies a person's ability to participate in or benefit from the University's program or activity.

#### **C. Sexual Harassment**

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of Iowa regard Sexual Harassment, a specific form of Discriminatory Harassment, as an unlawful discriminatory practice.

Sexual Harassment includes conduct on the basis of sex, or that is sexual in nature, that satisfies one or more of the offenses outlined below. Acts of Sexual Harassment may be committed by any person upon any other person, regardless of the sex or sexual orientation of those involved.

The University has adopted the following definitions of Sexual Harassment in order to address the unique environment of an academic community. Two definitions are required by federal law. While they overlap, they are not identical, and they each apply as noted.

##### **i. Title VII<sup>5</sup>/Fair Housing Act (FHA)<sup>6</sup> Sexual Harassment**

Applies to situations where an employee is subjected to workplace Sexual Harassment or where a situation involves a residential Complainant in University-provided housing. Title VII/Fair Housing Act Sexual Harassment is unwelcome verbal, written, graphic, and/or physical conduct, on the basis of sex, that is severe or pervasive and objectively offensive, and that unreasonably interferes with, limits, or effectively denies an individual's educational or employment access, benefits, or opportunities.

##### **ii. Title IX Sexual Harassment**

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<sup>5</sup> Title VII of the Civil Rights Act of 1964 prohibits employment discrimination on the basis of race, color, religion, sex, or national origin. It also protects employees from retaliation for reporting discrimination and requires employers to make reasonable accommodations for religious practices unless it causes an undue hardship.

<sup>6</sup> The Fair Housing Act prohibits discrimination in housing on the basis of race, color, religion, sex, national origin, familial status, and disability.

as an umbrella category, includes the offenses of Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking. This definition applies to all Formal Complaints that fall within Title IX jurisdiction as determined by the Policy Administrator.

In the event a Formal Complaint alleging Title IX Sexual Harassment falls outside of Title IX and is dismissed under Process A as provided by federal Title IX regulations, the alleged conduct may still constitute a violation of this Policy and may be designated under Process B using the same definitions described herein.<sup>7</sup> (See Process A and Process B.)

Refer to Section 10 for definitions of consent, force, incapacitation, and additional terminology.

**a. Quid Pro Quo**

Quid Pro Quo harassment occurs when an employee of the University conditions, implicitly or explicitly, the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct.

**b. Sexual Harassment (Hostile Environment)**

Sexual harassment is unwelcome conduct determined by a Reasonable Person to be so severe, pervasive, and objectively offensive that it effectively denies a Complainant equal access to the University's program or activity.

Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is younger than the age of consent), though a Decision Maker may consider compelling evidence that rebuts an assertion of unwelcomeness. Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances ("in the shoes of the Complainant"), including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

**c. Sexual Assault:**

i.) **Rape** is:

- The penetration, no matter how slight, of the vagina or anus of a person with any body part or object without the consent of the Complainant, including instances where the Complainant is incapable of giving consent because of their age or because of a temporary or permanent mental or physical incapacity; or
- The oral penetration of a sex organ of the Complainant, or by the Respondent's sex organ, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent because of their age or because of a temporary or permanent mental or physical incapacity.

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<sup>7</sup> An allegation of Title IX Sexual Harassment may be resolved under Process A or Process B, depending on jurisdictional and definitional elements and as determined by the Policy Administrator.

ii.) **Fondling**<sup>8</sup> is:

- The intentional touching of the clothed or unclothed genitals, buttocks, groin, breasts, or other body parts of the Complainant by the Respondent, without the consent of the Complainant, for the purpose of sexual degradation, sexual gratification, or sexual humiliation; or
- The intentional touching by the Complainant of the Respondent's clothed or unclothed genitals, buttocks, groin, breasts, or other body parts, without the consent of the Complainant, for the purpose of sexual degradation, sexual gratification, or sexual humiliation.

iii.) **Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Iowa law.

iv.) **Statutory Rape** is sexual intercourse with a person who is under the statutory age of consent of 16 years old.

**d. Dating Violence**

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse committed by a Respondent who is in or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant'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. For purposes of this definition, dating Violence does not include acts covered under the definition of Domestic Violence.

For purposes of this Policy, violence includes situations where the Respondent intentionally or recklessly causes the Complainant serious physical, emotional, or psychological harm. Intent is evidenced when a reasonable person would be more likely to act with the purpose of causing serious harm rather than for any other reason. Recklessness is evidenced by a disregard of obvious risk to the safety of the Complainant.

Legitimate use of violence for self-defense is not chargeable under this Policy because the purpose is safety, not harm. It may also be used as a defense if it is not clear at the time of charging whether the use of violence was for self-defense or not. Self-defense is only to be considered if it is prompted by physical violence or the threat thereof.

Consensual use of violence, such as in kink relationships, would also not meet this definition, in most circumstances.

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<sup>8</sup> Contact with private body parts (e.g., genitals, buttocks, groin, breasts) is considered to be done for the purpose of sexual degradation, sexual gratification, or sexual humiliation unless: (1) the contact can be proven inadvertent; (2) the contact is for a legitimate medical (or other privileged) purpose and thus is the conduct for which consent should have been sought and obtained by the provider; (3) the contact involves a Respondent who is pre-sexual, based on maturity/age (thus their intent is not sexual); (4) the content involves a Respondent who cannot developmentally understand the sexual contact or that their contact is sexual; or (5) the contact is something like butt-slapping on a team and is both minimal and unlikely to have sexual motivation or purpose, as shown by the context of the act(s).

Threats to seriously harm the Complainant or people they care about may be chargeable under this definition if doing so causes serious emotional or psychological harm.

#### **e. Domestic Violence**

Domestic Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse committed by a Respondent who is:

- A current or former spouse or intimate partner of the Complainant;
- A person with whom the Complainant shares a child in common;
- A person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner;
- A person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Iowa; or
- Any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Iowa.

For purposes of this definition, Domestic Violence includes violence defined above in Dating Violence.

To categorize an incident of Domestic Violence under this Policy, the relationship between the Complainant and Respondent must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have/had an intimate relationship.

#### **f. Stalking**

Stalking occurs when a Respondent engages in a course of conduct directed at the Complainant that would cause a Reasonable Person to fear for the person's safety, or the safety of others, or to suffer substantial emotional distress.

For purposes of this definition:

- Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent 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; and
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

#### **iii. Sexual Exploitation:**

Any person taking non-consensual or abusive sexual advantage of another, that does not constitute Sexual Harassment as defined above, for their own benefit or for the benefit of anyone other than the person being exploited.

Examples of Sexual Exploitation include, but are not limited to:

- Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed)
- Electronically distributing (e.g., Airdropping, Snapchatting) nude or sexual photos or videos of another person without their consent
- Invasion of sexual privacy (e.g., doxxing)
- Knowingly making an unwelcome disclosure of (or threatening to disclose) an individual's sexual orientation
- Taking pictures, video, or audio recording of another person in a sexual act, or in any other sexually related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity; or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity; or disseminating sexual pictures without the photographed person's consent), including the making or posting of non-consensual pornography
- Prostituting another person
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually transmitted disease (STD) or infection (STI), without informing the other person of the virus, disease, or infection
- Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity
- Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections (e.g., spoofing)
- Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity
- Oral penetration, no matter how slight, by a sex related object
- Knowingly soliciting a minor for sexual activity
- Engaging in sex trafficking
- Knowingly creating, possessing, or disseminating child sexual abuse images or recordings
- Creating or disseminating synthetic media, including images, videos, or audio representations of individuals doing or saying sexually related things that never happened, or placing identifiable real people in fictitious pornographic or nude situations without their consent (i.e., Deepfakes)

#### **D. Retaliation**

Retaliation occurs when the University or any member of the University community takes or attempts to take adverse action against any individual by intimidating, threatening, coercing, harassing, or discriminating against that individual for the purpose of interfering with any right or privilege secured by law or Policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Policy and associated procedures.

The exercise of rights protected under the First Amendment does not constitute Retaliation. It is also not Retaliation for the University to pursue disciplinary action against those who make materially false statements in bad faith in the course of a resolution process under the Policy.

However, the determination of responsibility, by itself, is not sufficient to conclude that any Party has made a materially false statement in bad faith.

#### **E. Failure to Comply/Process Interference**

- Intentional failure to comply with the reasonable directives of the Policy Administrator or other Process Team Member in the performance of their official duties, including, but not limited to:
  - the terms of a no contact order;
  - access to witnesses and evidence needed to conduct a thorough investigation and resolution process;
  - serving as a witness; and
  - providing evidence when requested<sup>9</sup>
- Intentional failure to comply with emergency removal or interim suspension terms
- Intentional failure to comply with sanctions
- Intentional failure to adhere to the terms of an Informal Resolution agreement
- Intentional failure to comply with mandated reporting duties as defined in the Policy
- Intentional interference with a resolution process, including, but not limited to:
  - destroying or concealing evidence;
  - seeking or encouraging false testimony or providing false testimony or evidence;
  - intimidating or bribing a witness or Party; and
  - making deliberately false and/or malicious accusations under this Policy. This does not include allegations made in good faith but ultimately shown to be erroneous or do not result in a determination of Policy violation.

All members of the University community are expected to cooperate in a timely manner<sup>10</sup> with investigations conducted under this Policy, including serving as a witness and providing evidence when requested by the Investigator.

Alleged violations of failing to comply or interfering with process will be referred to the appropriate administrative unit to address through respective procedures (Human Resource Services for staff, Provost Office for faculty, and Dean of Students for students). Administrative units will report outcomes of alleged violations back to the Office of Civil Rights Compliance.

### **10. Consent, Force, and Incapacitation**

As used in the Policy, the following definitions and understandings apply:

#### **Consent**

Consent is knowing, voluntary, and clear permission by word or action to engage in sexual activity.

Individuals may perceive and experience the same interaction in different ways. Therefore, it is the responsibility of each Party to determine that the other has consented before engaging in the activity.

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<sup>9</sup> Except as restricted by law (e.g., pursuant to a legally recognized privilege, court order, etc.). See Process A for participation provisions specific to Process A cases.

<sup>10</sup> As defined and communicated by the Investigator.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual activity. Consent is evaluated from the perspective of what a Reasonable Person would conclude are mutually understandable words or actions. Reasonable reciprocation can be implied consent. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain their consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonably immediate time.

Silence or the absence of resistance alone should not be interpreted as consent. Although resistance is not required or necessary, it is a clear demonstration of non-consent.

Consent to some sexual contact (such as kissing or fondling) cannot be assumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent. If an individual expresses conditions on their willingness to consent (e.g., use of a condom) or limitations on the scope of their consent, those conditions and limitations must be respected. If a sexual partner shares the clear expectation for the use of a condom, or to avoid internal ejaculation, and those expectations are not honored, the failure to use a condom, removing a condom, or internal ejaculation can be considered acts of Sexual Assault.

Proof of consent or non-consent is not a burden placed on any Party involved in a Formal Complaint. Instead, the burden remains on the University to determine whether its Policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a Reasonable Person in the same or similar circumstances, including the context in which the alleged misconduct occurred and any similar and previous patterns that may be evidenced.

Going beyond the boundaries of consent is prohibited. Thus, unless a sexual partner has consented to slapping, hitting, hair pulling, strangulation, or other physical roughness during otherwise consensual sexual activity, those acts may constitute Dating Violence or Sexual Assault. Consent in relationships must also be considered in context. When parties consent to forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and thus consensual.

**Force:**

Force is the use of physical violence and/or physical imposition to gain sexual access. Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced.

Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., “Have sex with me or I’ll hit you,” which elicits the response, “Okay, don’t hit me. I’ll do what you want.”).

Coercion is unreasonable pressure for sexual activity. Coercive conduct, if sufficiently severe, can render a person’s consent ineffective, because it is not voluntary. When someone makes clear that they do not want to engage in sexual activity, 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. Coercion is evaluated based on the frequency, intensity, isolation, and duration of the pressure involved.

### **Incapacitation:**

Incapacitation is a state where a person is incapable of giving consent. An incapacitated person cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, and how” of their sexual interaction).

A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious for any reason, including as a result of alcohol or other drug consumption.

This Policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating substances.

Incapacitation is determined through consideration of all relevant indicators of a person’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

If the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated, the Respondent is not in violation of the Policy. “Should have known” is an objective, Reasonable Person standard that assumes that a Reasonable Person is both sober and exercising sound judgment.

### **11. Unethical/Consensual Relationships.**

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as faculty member and student or supervisor and employee). These relationships may, in reality, be less consensual than perceived by the individual whose position confers power or authority. Similarly, the relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Circumstances may change, and conduct that was once welcome may, at some point in the relationship, become unwelcome.

Even when both parties have initially consented to romantic or sexual involvement, the possibility of a later allegation of a relevant Policy violation still exists. The University does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of the University. However, for the personal protection of members of this community, relationships in which power differentials are inherent (e.g., faculty-student, staff-student) are generally discouraged. They may also violate standards of professionalism and/or professional ethics.

Consensual romantic or sexual relationships in which one Party maintains a direct supervisory or otherwise evaluative role over the other Party are inherently problematic. Refer to [Policy 4.03](#) regarding obligations relating to such relationships, including the need to report such relationships (<https://policies.uni.edu/403>).

### **12. Sanction Ranges**

The following sanction ranges apply to Prohibited Conduct under the Policy. Sanctions can be assigned outside of the specified ranges based on aggravating or mitigating circumstances, or the Respondent’s

cumulative disciplinary record. The full lists of sanctions for students and employees are included in procedural documents, Process A and Process B.

Warning or reprimand through expulsion or termination applies to:

- Discrimination
- Discriminatory Harassment Title VII/FHA Sexual Harassment
- Quid Pro Quo Harassment
- Sexual Harassment (Hostile Environment)
- Statutory Rape
- Sexual Exploitation
- Retaliation
- Failure to Comply/Process Interference

Suspension through expulsion or termination applies to:

- Rape

Warning or reprimand through suspension or termination applies to:

- Fondling

Probation or restrictions through expulsion or termination applies to:

- Incest
- Stalking
- Dating/Domestic Violence

### **13. Amnesty**

The University community encourages the reporting of potential violations of this Policy. Sometimes, Complainants or witnesses are hesitant to report to University officials or participate in resolution processes because they fear that they themselves may be in violation of certain policies such as underage drinking or use of illicit drugs at the time of the incident. Parties may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of the University community that Complainants report potential Policy violations to University officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the process.

To encourage reporting and participation in the process, the University offers Parties and witnesses amnesty from minor Policy violations, such as underage consumption of alcohol or the use of illicit drugs, related to the incident under investigation.

Amnesty will not generally apply to more serious allegations such as physical abuse of another or illicit drug distribution.

In addition, the University maintains a Policy of amnesty for students who offer help to others in need: [Good Samaritan Provision of Student Conduct Code](https://policies.uni.edu/302#X) (https://policies.uni.edu/302#X). Although Policy violations cannot be overlooked, the University may provide purely educational options with no official disciplinary finding, rather than punitive sanctions, to those who offer their assistance to others in need.

**14. Policy Revision**

The Policy and associated procedures succeed all previous policies addressing discrimination, harassment, sexual misconduct, and/or retaliation. The Policy Administrator regularly reviews and updates the Policy and procedures. Incidents occurring prior to the effective date of this Policy will be addressed using the Policy that was in place at the time of the incident, but the procedures used will be those in place at the time of the Formal Complaint. The University reserves the right to make changes to this document as necessary, and those changes are effective once they are posted online.

A change required by a court or government order could occur during an active investigation or resolution process. If that happens, the University reserves the right to adjust the Policy and procedures accordingly and notify the Parties of any necessary mid-process changes. This could include entirely replacing the Policy or associated procedures, which could necessitate restarting an investigation or resolution process. The University will make every effort to minimize the impact on the Parties as much as possible if changes are unavoidable.

### **Policy 13.02 Appendix: PROTECTED CHARACTERISTIC DEFINITIONS**

- **Age.** Forty (40) years of age or older for purposes of protection against Discrimination and Harassment under federal law and Policy; eighteen (18) in the State of Iowa.
- **Color.** The pigmentation, complexion, or shade, tone, or color of a person's skin, regardless of race or ethnic background.
- **Creed.** A set of moral or ethical beliefs and the practices and observances associated with those beliefs. Although creed includes traditional religious beliefs, it also incorporates belief systems that may not be expressed by an organized religious group.
- **Disability.** A physical, intellectual, or psychiatric impairment that substantially limits one or more major life activities, having a history or record of such an impairment, or being perceived by others as having such an impairment.
- **Ethnicity.** Belonging to a population, group, or subgroup of people based on shared culture/cultural background (e.g., language, food, music, dress, values, and beliefs), history, ancestry, or descent.
- **Genetic Information.** Information about an individual's genetic tests as well as genetic tests of their family members. Includes information about any disease, disorder, or condition of an individual's family medical history.
- **Marital Status.** The state of being married or unmarried.
- **National Origin.** A person's place of origin, ancestry, or ethnicity including language and cultural characteristics.
- **Political Affiliation.** An individual's identification with a specific political party.
- **Pregnancy (or Related Conditions).** Pregnancy, childbirth, false pregnancy, lactation, or other medical conditions related to pregnancy and the recovery of pregnancy. Pregnancy is included within the protected characteristic of sex.
- **Race.** A person's actual or perceived (by others) membership in a group characterized by shared physical or cultural characteristics associated with a certain race, ancestry, or ethnic origin.
- **Religion.** An individual's religious beliefs including belonging to traditional, organized religions as well as sincerely held religious, ethical, or moral beliefs.
- **Sex.** Sex defined at birth. Depending on context, sex can include gender identity, gender expression, sexual orientation, sex characteristics, and sex stereotypes.
- **Sexual Orientation.** An individual's pattern of emotional, romantic, or sexual attraction.
- **Veteran or Military Status.** An individual's past, present, or future membership, service, or obligation in a military service.

#### Related definitions:

- **Antisemitism.** Conduct that excludes, harms, persecutes, or expresses hatred toward an individual's or group's actual or perceived Jewish ancestry, ethnicity/ethnic characteristics, or national origin.
- **Citizenship Status.** An individual's legal relationship with the United States acquired through birth, naturalization, or another legal process.

- **Racism.** Conduct that excludes, harms, persecutes, or expresses hatred toward individuals or groups based on actual or perceived Race.
- **Shared Ancestry.** Actual or perceived ethnic, cultural, or ancestral background (e.g., lineage, familial origins, genetic inheritance, language, customs, societal norms, and heritage).

The Policy is effective July 1, 2026.

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*Office of Civil Rights Compliance, approved October 31, 2023*

*University Council, approved February 12, 2024*

*President, approved March 19, 2024*

*[Last reviewed and/or updated 6/2025, 8/2024, 3/2024, 8/2020, 4/2019, 10/2015]*

Related Policies:

13.03 Equal Opportunity and Non-Discrimination Statement

13.15 Campus Accessibility & Accommodations of Disabilities

13.19 Retaliation and Misconduct Reporting

Related Procedures:

Process A (Title IX)

Process B (Non-Title IX)

Related Resources available at [civilrights.uni.edu](http://civilrights.uni.edu)