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**Council on the Status of Women
Wednesday, November 5, 2008
11:30 a.m. – 1 p.m.
610 Blank Honors Center (BHC)**

AGENDA

- I. Roll call and approval of October minutes
- II. Diversity Committee Spotlight – Carolyn Colvin, chair.
- III. Guest speaker: Jonathon Carlson, Special Assistant to the UI President, Regents Resolution and Guiding Principles
- IV. Committee Reports:
 - CSW Diversity & Campus Climate: Carolyn Colvin, chair
 - CSW Herstory: Renee Sueppel, chair
 - CSW Women in Athletics: Barb Bennett, chair
 - UI Committee on the Celebration of Excellence and Achievement Among Women: Liz Constantine, chair
 - CSW/WRAC Jean Jew Women's Rights Award Committee: Mary Greer
 - CSW Communications Group: Mary Greer
- V. Adjournment

Notes:

Next meeting: **Thursday, December 4, 2008 in 5181 MERF**

"Women at Iowa" programs on UITV: http://www.its.uiowa.edu/tns/uitvschedule/uitv_schedule.htm

DONE -- Council on the Status of Women
Minutes

TIME: 11:30 am to 1:00 pm

DATE: October 2, 2008

LOCATION: 2126 MERF

PRESENT: Barb Bennett, Katie Thompson, Maryann Rasmussen, Sharon Lake, Carol Johnk, Sarah Andrews, Janette Taylor, Mary Greer, Jessica Hook, Carolyn Colvin, Jane Holland, Judy Polumbaum, Renee Sueppel

Ex-Officio: Jennifer Modestou, Mary Jane Beach, Marcella David, Judie Hermsen, Monique DiCarlo, Karla Miller

September 3, 2008 Minutes

One correction was noted. Carol Johnk was listed as present when she was absent. Minutes will be corrected.

Communication Team

Barb Bennett, Maryann Rasmussen and Caitlin Opinski have volunteered to serve on the Communication Team. Standing meeting times are Mondays at 3:30 p.m. in USB. Group members hold meetings face-to-face, email or conference call.

The purpose of the group is to review and then respond to issues of importance or relevancy, and compatible to the mission of the Council on the Status of Women. A current example is the appointment of Monique DiCarlo as the Sexual Assault Coordinator. Manner of response could be in the form of comments, a letter, email, guest opinion or in person.

Vice-Chair

Maryann Rasmussen has volunteered to be vice chair.

Executive Committee

Kate Thompson will meet with and participate in the next Executive Committee meeting.

Spotlight - Unwelcome Behavior Committee

Membership of the committee includes: [Robin Beining](#), [Maryann Rasmussen](#), Judy Polumbaum, Diana Harris, Emily Grieves, Liz Constantine and Jessica Hook.

The committee has been reviewing and reading reports and surveys that address the University's experience and strategies relative to unwanted behaviors, sexual harassment and campus climate. In addition, current policies and procedures are being reviewed.

Reports and surveys being reviewed are:

- the Jean Jew Case
- the 1993 & 2004 Sexual Harassment Reports
- the Raymond Report (examination of the Pierre Pierce Case)
- the Report on Campus Climate
- Stolar Report

Common threads are:

1. A lack or a misunderstanding of what behaviors constituent sexual harassment;

2. A lack of awareness of existing UI policies and procedures;
3. Many of the same recommendations occur in reports. They include: clear, user friendly policies & procedures, heightened efforts at education and awareness, and measures to effectively implement recommendations;
4. Sexual harassment does not appear to be taken serious by some in the University community; and
5. Women who report sexual harassment are often not satisfied with the outcome.

After the committee completes its work, members are considering creating a document that outlines its findings and then may request a meeting with Provost Loh.

A question was asked as to "Who else could the document be sent?"

Marcella David reported that the Board of Regents has asked for a recommendation for a sexual harassment policy due at its December meeting. Representatives from the UI, ISU and UNI are meeting to develop a policy. Part of the policy includes a structure. A group is being pulled together to develop the policy recommendation. Monique DiCarlo who is the UI representative to the committee offered to support a CSW member being nominated to serve on the group.

What can CSW do to address the situation, and the creation of a policy and its implementation?

Members responded -

1. Tell women we will support their voice.
2. Suggest how, when and in what manner investigations could be communicated to the larger community. Investigations are occurring, but are not made public.
3. Explore why those harassed or violated do not come forward. They may come forward only after friends and family encourage them to do so, or there may be a perception that coming forward will not fix the problem.
4. Ascertain if UI founded cases are low in comparison with other founded cases reported to community agencies.
5. If the perception is that nothing is happening, could it be because there is a misunderstanding of the role of EOD, RVAP, WRAC, University police, advocates, etc. Would it help to clarify their roles?
6. Explore how efforts can be coordinated.
7. Assess if there are generational differences that influence behavior and reporting.

How can CSW affect the implementation of the policy?

1. Have CSW around the table developing the policy
2. Critique the policy
3. Focus on the 10 recommendations from the Stolar Report
<http://www2.state.ia.us/regents/News/Resolution092508.pdf> and
<http://www2.state.ia.us/regents/News/StolarReport.pdf>

What is involved in stopping sexual harassment -

1. understanding the equation of power
2. getting peers to be responsible
3. understanding the dynamics of social consequences
4. balance and honor confidentiality
5. focus on the behavior of the perpetrator (often manipulative)
6. see the Respect Campaign as an opportunity

Report on the Sexual Harassment Education program - presented by Jennifer Modestou

For several years, the University has been developing a training program for administrators. Past focus has been on instructor- led and train-the-trainer models.

As a result of the Arthur Miller case, all faculty and staff will be required to have sexual harassment training.

Questions to be answered include:

1. What does all mean relative to faculty and staff?
2. How will the training occur?
3. What will be the frequency?
4. What will be the strategy?
5. Who in the department is responsible for insuring all faculty and staff participate?
6. What occurs if someone refuses to participate in the training?

The organization, Brightline Compliance, will provide online training that addresses harassment in a broader context: sexual, disability, age, gender, religion, etc. Topics of the training include:

- Verbal harassment
- Physical harassment
- Visual & auditory harassment
- Romance
- Reporting
- Retaliation
- Harassment and the Law
- Harassment of Students
- Supervising Duties

There also will be links to UI policies and procedures, local laws, FAQs & websites. The online training via Brightline Compliance will be complemented with the Train-the-Trainers model which involves 8 hours of facilitator training.

Other CSW Committee Reports

None given.

Next CSW Meeting

DATE: Wednesday, November 5

TIME: 11:30 am to 1:00 pm

LOCATION: 610 BHC

GUEST PRESENTER: Provost Loh

Meeting ended: 1:00pm

Council on the Status of Women
Executive Committee

October 18, 2008

Present: Mary Greer, Maryann Rasmussen, Jane Holland
Location: 121 USB, Conf. Rm. A

CSW November 5, 2008 Agenda

1. Presentation by Provost Loh
2. Report by the CSW Diversity Committee

Diversity Councils/Initiatives

Mary has been invited to attend, serve on and/or participate in other Diversity Councils or initiative. As able and appropriate, she will do so. If not able and when appropriate, she will ask other Executive Committee members of their availability. If Executive Committee members are not available, volunteers from the Council will be asked for their involvement

Anti-Violence Coalition

The Anti-Violence Coalition, chaired by Monique DiCarlo, has asked Maryann to serve on the Coalition. Several of the Anti-Violence Council fall meetings are in conflict with Maryann's schedule. Maryann will ask other members of the *Unwelcome Behavior Committee* to attend the Coalition's fall meetings.

Martin Luther King Week of Honor

Several ideas were suggested

1. Theatre drama group presenting at one site or travelling to buildings throughout the UI
2. A real conversation as to diversity; a real exchange
3. Individual presentations about their personal stories and then dialogue with the audience

December Agenda of the CSW meeting - Presentation

A suggested person is Bonnie Campbell.

NOW THEREFORE, the Board of Regents directs the heads of all institutions to undertake a comprehensive review of their policies and procedures dealing with sexual assault and other related issues in light of the report's recommendations set forth herein:

(1) Make available a trained advocate to alleged victims of sexual assault during all stages of the reporting and investigative process;

(2) Designate a single, coordinating office and procedure to deal with all sexual assaults and other related issues at each institution;

(3) Consider whether it would be appropriate to mandate Department of Public Safety notification when a university official receives information of an alleged sexual assault;

(4) Ensure that General Counsel for each institution is not involved in the management of sexual assault and sexual harassment investigations;

(5) Train all sexual assault advocates with respect to (1) University reporting, (2) investigation options available to alleged victims, and (3) how best to explain those options in a way that can be readily understood by a potentially traumatized victim;

(6) Make readily available to all members of the institution's community easily comprehensible information with respect to the institution's sexual assault reporting and investigation options;

(7) Remove authority from any and all departments – other than the single, designated coordinating office -- to conduct investigations of sexual assault, whether formal or informal,; and require that all investigations of alleged sexual assaults be handled solely by the office designated to handle such investigations;

(8) Provide extensive training in the proper handling of sexual assault allegations – with respect to alleged victims and alleged perpetrators -- to the officials charged with this responsibility;

(9) Implement a formal procedure by which investigators in the office designated to handle sexual assault investigations who may be perceived as having a conflict of interest in investigations conducted by that office, may be recused;

(10) Ensure that policies for addressing alleged sexual assaults are addressed as part of the institution's violence policy, rather than as a part of its sexual harassment policy.

The Board of Regents (the “Board”), in pursuit of the objective of the implementation of best practices throughout the institutions governed by the Board, takes the following additional action:

1. Directs the heads of all institutions to work quickly and collaboratively with the Executive Director to develop for discussion common policies and procedures dealing with sexual assault and other related issues that (a) address the recommendations of the report and (b) are consistent with standards and best practices available in the higher education community.

2. Such proposed common policies and procedures shall be presented to the Board for action at the December 11, 2008, Board meeting. The foregoing development of proposed policies and procedures shall be undertaken in consultation with the Office on Violence Against Women of the United States Department of Justice, and may include securing the assistance of experts with broad experience in dealing with sexual assault on campus. The University of Northern Iowa’s Project Director for the Regents’ Flagship Campus Grant working with the head of each institution or his/her designee and the Executive Director, is directed to provide the primary staffing for completion of this directive.

Best Practices and Policy Guidelines

PROPOSED **IOWA BOARD OF REGENTS** **SEXUAL MISCONDUCT GUIDING PRINCIPLES**

Pursuant to the Iowa Board of Regents Resolution passed on September 25, 2008, the following *Guidelines* were established to assist the University of Iowa, Iowa State and University of Northern Iowa, Iowa Braille and Sight Saving School, and Iowa School for the Deaf, with the comprehensive review of their policies and procedures dealing with sexual assault and related issues. The Board of Regents *Guidelines* are intended to ensure that all five universities sexual misconduct policies are consistent with the best practices in higher education. The *Guidelines* set forth policy and legal compliance elements which result in proactive campus sexual misconduct policies and create effective sexual assault risk management practices.

Policy Compliance Elements: Creation of a proactive sexual misconduct policy requires the following elements to be addressed:

- Policy statements must begin with an institutional statement of mission and values. The statement of intent must include the institution's position regarding all forms of sexual misconduct, including sexual harassment, and sexual assault
- Establish physical jurisdictional limits for policy
- Identify specifically to whom the policy applies; student policies should be distinct from employee policies
- Provide coordinated victim services utilizing campus and/or community-based resources, which address reporting options for victims, including reporting to law enforcement, initiating civil action, as well as providing physical and emotional support. Include a statement of victim's rights, which must include the following:
 - Information on reporting to law enforcement that clearly informs the victim of this option
 - An opportunity to participate in campus discipline hearings
 - The right to be accompanied by an advisor during the investigation and hearing
 - The right to provide a victim's impact statement if the accused is found in violation
 - The right to know the outcome of the hearing, including determination and sanction imposed
- Policy must clearly identify the intersection of sexual misconduct policies with other policies such as drug and alcohol, and hazing policies
- Clearly articulate prohibited conduct and include unambiguous definitions of behaviors
- Provide a timeline for reporting incidents of sexual misconduct
- Designate a primary institutional employee or an office to coordinate all sexual misconduct, including specific contact information
- Ensure staff are properly trained on Title IX regulations where the student is the complainant

Best Practices and Policy Guidelines

- Provide a detailed explanation of university sexual misconduct policy procedures, investigation processes, reporting requirements, and a time frame for the investigation process
- Identify and articulate the adjudication process, including time frame and the manner in which the hearing is to be conducted
- Provide clear statement regarding confidentiality and limits on sharing and release of information
- Identify the institution's authority to take immediate action, which may include the following:
 - Imposing interim suspension
 - Modifying academic schedule of victim
 - Modifying housing arrangements for victim
 - Providing resources for medical and/or psychological support
- Specifically state the prohibition of retaliation for filing a complaint in good faith, or participating in an investigation or inquiry to a complaint
- Determine and set forth appeal framework, if any
- Set forth policy dissemination standards
- Set forth training protocol
- Describe the sanctions for violations and specific definitions of each sanction

Legal Compliance Elements: Creation of effective sexual assault risk management policies requires adherence to applicable state and federal laws:

- Title IX, **20 U.S.C. §§ 1681 – 1688**, 34 C.F.R. Part 106
- Jeanne Clery Campus Crime and Security Act, 20 U.S.C. 1092(f) §§
- Family Educational Rights and Privacy Act “FERPA”, 34 C.F.R. Part 99
- Iowa Open Records Act, Iowa Code Section 22
- United States Department of Education, Office of Civil Rights Revised Sexual Harassment Guidance: Harassment of Student by School Employees, Other Students, or Third Parties, January 2001.

Dated: October 20, 2008

Best Practices and Policy Guidelines

General Considerations for Policy Development:

- ❖ Policies must withstand legal scrutiny by reflecting unambiguous language and procedures
- ❖ Avoid demonizing the accused
- ❖ Provide appropriate due process
- ❖ Ensure a fair and ethical process
- ❖ Recognize that confidentiality is a balancing act with the victim's interests, the rights of the accused, and legal parameters
- ❖ Sexual harassment and sexual assault should be addressed in separate sections
 - Provide details of what the offense means, not just a list of prohibited behaviors but meaning, content and context; avoid speech codes to reduce risk for sexual misconduct liability
 - Definitions of prohibited conduct must provide students sufficient notice of behavioral expectations so that they may conform their conduct accordingly, and clearly recognize when behavior crosses the acceptable line
- ❖ Title IX requires a prompt and equitable response even if the complainant does not want to take further action. The university is required to respond to the extent possible to all reports of sexual misconduct. There must be a balance among the evidence, the legal requirements, and college policy in order to determine the proper equitable response
- ❖ Provide, within the policy delegations of authority, for reporting, investigating and correcting sexual misconduct of students and ensure those delegations are sufficiently articulated
- ❖ Consider creating a response team to oversee and evaluate certain types of complaints and make recommendations while the criminal and discipline process is ongoing
- ❖ Clearly articulate institutional policy regarding timing and protocol related to simultaneous criminal proceedings and discipline proceedings
- ❖ Ensure all staff are trained in sexual misconduct reporting, responding, investigation, and adjudication, and the implementation of university policy and procedures