Guide to the University of Iowa
Interim Procedure for Alleged Violations of the Policy on Sexual Harassment and Sexual Misconduct

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Office of the Sexual Misconduct Response Coordinator (OSMRC)

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Access Interim Policy and Procedure
- Interim Policy and Procedure on Sexual Harassment and Sexual Misconduct

Access Other Policies and Procedures
- osmrc.uiowa.edu/policy

Updated October 2020
New Report & Initial Assessment

Roles and Responsibilities
Office of the Sexual Misconduct Response Coordinator (OSMRC)
- Receives reports and meets with Complainant to explore options and provide resources
- Facilitates supportive measures
- Assesses sufficiency of formal complaints
- Collaborates with investigating office to determine if the alleged misconduct falls within the scope of the Interim Policy
- Works with the Threat Assessment Program to complete an individualized safety and risk analysis to determine if emergency removal is required
- Updates Complainant if there will be a Crime Alert or if Title IX Coordinator initiates a formal complaint
- Ensures compliance with Title IX, university policy, and other federal laws

Advisor
- Parties may have up to two advisors of their choosing
- Provides support throughout the university resolution process
- May attend all meetings at which the party is entitled to be present
- Support Advisors may be provided through a confidential certified advocacy agency (RVAP, DVIP, Monsoon, or Nisaa)

Department of Public Safety (DPS)
- Assesses whether a Crime Alert needs to be issued

OSMRC works with members of the university community in situations involving possible sexual harassment, sexual misconduct, dating/domestic violence, or stalking. OSMRC is not a confidential office. Information about a report may be shared as needed with others involved in the university’s response process.

Though the Title IX Coordinator may initiate a formal complaint, participation in a university resolution process is always voluntary for Complainants and Respondents.
Adaptable Resolution

Roles and Responsibilities

Office of the Sexual Misconduct Response Coordinator (OSMRC)
- Provides process expertise and updates to Complainant and Respondent
- Facilitates supportive measures for both Complainant and Respondent
- Assesses suitability of the circumstances to the Adaptable Resolution
- Gauges interest of non-requesting party to move forward with Adaptable Resolution
- Ensures compliance with Title IX, university policy, and other federal laws

Advisor
- Complainant and Respondent may have up to two advisors of their choosing
- Provides support and/or advice throughout a university resolution
- May attend all meetings at which the party is entitled to be present

Office of Student Accountability/Office of Equal Opportunity and Diversity
- Sends Notice of Investigation & Allegation to parties

Adaptable Resolution Facilitator
- Works with the parties when they want to attempt to reach a resolution without a Formal Grievance Process

The Adaptable Resolution process requires a Formal Complaint and may be requested by either the Complainant or the Respondent. Such a request may be initiated at the outset of the complaint process, or at any time prior to final determination. A successful Adaptable Resolution consists of a voluntary written agreement reached by both parties.

Either party may choose to discontinue the Adaptable Resolution at any point and return to the Formal Grievance Process.
**Roles and Responsibilities**

**Office of the Sexual Misconduct Response Coordinator (OSMRC)**
- Provides process expertise and updates to Complainant and Respondent
- Facilitates supportive measures for both Complainant and Respondent
- Collaborates with investigating office to determine whether Process A or Process B would apply in a Formal Grievance Process
- Ensures compliance with Title IX, university policy, and other federal laws

**Advisor**
- Complainant and Respondent may have up to two advisors of their choosing
- Provides support and/or advice throughout a university resolution process
- May attend all meetings at which the party is entitled to be present

**Office of Student Accountability/Office of Equal Opportunity and Diversity**
- Sends Notice of Investigation & Allegation to parties
- Collaborates with Title IX Coordinator to determine whether Process A or Process B would apply in a Formal Grievance Process
- Conducts the investigation, which includes gathering information, assessing relevance, and synthesizing the evidence into an investigation report
- Parties will have the opportunity to inspect and review all related evidence obtained from any party as a part of the investigation.
- Makes findings and a final determination in cases not requiring a hearing

The Formal Grievance Process also requires a Formal Complaint. This process starts with the appointment of an investigator who gathers information, assesses relevance, synthesizes the evidence, and compiles this information into an investigation report and file of directly related evidence.

In cases where a hearing is not required (Process B), the investigator also makes findings and a final determination.
Process A – Live Hearing

Roles and Responsibilities

Office of the Sexual Misconduct Response Coordinator (OSMRC)
- Provides process expertise and updates to Complainant and Respondent
- Facilitates supportive measures for both Complainant and Respondent
- Issues Notice of Outcome to both Complainant and Respondent
- Ensures compliance with Title IX, university policy, and other federal laws

Hearing Advisor
- Will be provided by the university if a party does not have one
- Asks questions of parties and witnesses at the hearing

Office of Student Accountability/Office of Equal Opportunity and Diversity
- Investigator presents summary of investigation report to the Adjudicator
- Investigator responds to questions about their report from Adjudicator and parties’ Hearing Advisors

Hearing Adjudicator
- Facilitates hearing preparations and conducts the hearing
- Makes determinations on relevancy of questions during hearing
- Assesses credibility of the parties and witnesses
- Makes findings of fact and applies facts to the policy
- Makes final determination based on preponderance of the evidence
- Recommends sanctions and remedies, if applicable

Sanctioning Administrator
- Receives Adjudicator’s decision, including final determination
- When final determination indicates a policy violation, makes sanctioning decision and writes letter for inclusion with Notice of Outcome

Process A applies when the alleged behavior constitutes sexual harassment under Title IX or if the alleged sexual misconduct or sexual harassment, if true, would likely result in a student respondent’s suspension or expulsion. In Process A, final determination requires a live hearing with advisor-led questioning of the parties and witnesses.

A Hearing Adjudicator determines by a preponderance of the evidence whether university policy was violated and issues the final determination to the TIX Coordinator. If there is a policy violation, the Sanctioning Administrator will determine the sanction. A Notice of Outcome and sanctioning decision, if appropriate, will be issued simultaneously to the Complainant and Respondent.
**Process B**

**Roles and Responsibilities**

**Office of the Sexual Misconduct Response Coordinator (OSMRC)**
- Provides process expertise and updates to Complainant and Respondent
- Facilitates supportive measures for both Complainant and Respondent
- Issues Notice of Outcome to both Complainant and Respondent
- Ensures compliance with Title IX, university policy, and other federal laws

**Advisor**
- Parties may have up to two advisors of their choosing
- Provides support and/or advice throughout the process
- May attend all meetings at which the party is entitled to be present

**Office of Student Accountability/Office of Equal Opportunity and Diversity**
- Makes the findings and a final determination

**Sanctioning Administrator**
- Receives final determination from investigator
- When final determination indicates a policy violation, makes sanctioning decision and writes letter for inclusion with Notice of Outcome

Process B applies when the alleged behavior does not constitute sexual harassment under Title IX, but does constitute prohibited conduct within the Interim Policy on Sexual Harassment and Sexual Misconduct and, if true, would not result in a student respondent’s suspension or expulsion.

The investigator(s) will issue an investigation report including findings and a final determination based on a preponderance of the evidence.
Request for Appeal submitted by either party

Response to Appeal submitted by opposite party

OSMRC reviews and sends case file to Appeal Officer

- Upheld
- Reversed
- Remanded for further investigation or hearing

Either or both parties may submit an appeal to the Board of Regents

Any party may submit a written Request for Appeal within 5 days of issuance of the Notice of Outcome based on at least one of the following grounds:

1) Procedural irregularity that affected the outcome of the matter;
2) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
3) The Title IX Coordinator, Investigator(s), or Adjudicator(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter; and/or
4) Decision, whether regarding responsibility and/or sanction, was not supported by substantial evidence when viewed as a whole.

Roles and Responsibilities

Office of the Sexual Misconduct Response Coordinator (OSMRC)

- Provides process expertise and updates to Complainant and Respondent
- Facilitates supportive measures for both Complainant and Respondent
- Reviews Request for Appeal to confirm that it is timely and based on at least one of the grounds for appeal
- Sends Notice of Appeal and appeal responses to parties
- Sends Request for Appeal, any responses to appeal, and case file to the Appeal Officer
- Sends Notice of Appeal Outcome to the parties
- Ensures compliance with Title IX, university policy, and other federal laws

Advisor

- Parties have a right to up to two advisors of their choosing
- Provides support and/or advice throughout the university resolution process
- May attend all meetings at which the party is entitled to be present

Appeal Officer

- Reviews appeal documents, including the Request for Appeal, case file, and any responses submitted by the parties
- Renders a finding and rationale on each ground for appeal
- Sends appeal outcome to OSMRC for distribution to the parties
- See the Interim Procedure for Alleged Violations of the Policy on Sexual Harassment and Sexual Misconduct, Section aj,(1) Appeal Officers for information about who reviews appeals