# Policy & Procedures Success Measures Work Group Report

**11/21/2019**

## Introduction and Charge

The University of Iowa [2018-2021 Anti-Violence Plan](#) outlines a strategy under the Policy goal to, "Develop success measures for assessing the effectiveness of policies and procedures." Various stakeholders across campus work with sexual misconduct and sexual harassment policies and procedures, and success measures should be established with stakeholder involvement and feedback.

The Policy & Procedures Success Measures work group[1], consisting of stakeholders from across campus, was charged with developing success measures for assessing the effectiveness of sexual misconduct and sexual harassment policies and procedures. The developed success measures will be used to inform ongoing policy and procedure review. The complete charge can be found in Appendix A.

## Process

The work group met from January until August 2019, and to provide holistic recommendations on success measures the work group completed the following:

- A discussion of relevant perspectives across various disciplines and functional areas (Appendix B).
- Hired a consultant to complete an extensive literature review of the relevant perspectives identified[2].
- An in-depth review and multiple discussions of the literature compiled by the consultant.
- A synthesis of the various perspectives into concrete success measures and criteria.

## Recommendations

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[1] Alyssa Pomponio, Office of the Sexual Misconduct Response Coordinator, Chair
Teri Schnelle, Student Life Assessment, Improvement, & Research, Project Manager
Angela Ibrahim-Olin, Office of Student Accountability
Emily Milke, Rape Victim Advocacy Program
Taya Westfield, Student Advisory Committee on Sexual Misconduct
Steve Wehling, Office of Equal Opportunity and Diversity
Libby Washburn, University Human Resources
[2] Teri Schnelle was hired separately as a consultant to conduct the literature review.

Below are the work group's recommended success measures for assessing the effectiveness of sexual misconduct and sexual harassment policies and procedures.

## Success Measures for Policy and Procedures

- Policies and procedures should have clearly articulated goals and be grounded in law/research/logic
- Engage in a comprehensive drafting process
- Regularly review, evaluate, and update policy and procedures in each of the three evaluation areas: content, implementation, and impact
- Provide multi-tiered education/training on policies and procedures for the entire campus
- Employees responsible for receiving, investigating, and resolving reports/complaints, or otherwise involved in the process, will be trained appropriately, meet certain minimum expectations, and receive institutional support
- Policies and procedures should be accessible
- Language and format used in policies and procedures should be understandable and concise
- Those involved in the process can expect to be treated respectfully and fairly
- Craft well-defined policies and procedures
- Identify resources inside and outside the university
- Clearly outline options and responsibilities for reporting
- Clearly outline options for taking-action under policies and procedures
- Clearly describe what an informal resolution or alternative dispute resolution entails
- Clearly outline investigative policies and procedures
- Clearly outline decision-making and grievance policies and procedures

| Success Measure | Criteria | Sources |
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| Policies and procedures should have clearly articulated goals and be grounded in law/research/logic | <ul><li>The University's mission, vision, and values are represented in its policies (See Appendix C)<ul><li>Policies establish a common understanding of community behavior that supports a harassment free environment</li><li>Policies hold members of our community accountable to that behavior in a fair manner</li></ul></li><li>Policies and procedures comply with federal and state law</li><li>Content clearly articulates the goals of the policy, its implementation, and the underlying logic for why the policy will produce intended change</li><li>Policies and procedures are tailored to the population being served with attention to diversity and inclusion</li></ul> | A; B; F; J5; M; T |
| Engage in a comprehensive drafting process | <ul><li>Engage in a vetting period where key stakeholders (including concerned student groups) have multiple opportunities to provide feedback on the proposed policy to assess its clarity, quality, and effectiveness</li><li>Engage administrators from across campus</li></ul> | F; G; |

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| Regularly review, evaluate, and update policy and procedures in each of the three evaluation areas: content, implementation, and impact | • Partner with researchers on policy evaluation and prevention strategies<br>• Involve a variety of stakeholders in the review of policies and procedures (see 'Engage in comprehensive drafting process' above)<br>• Keep accurate and timely statistics on the number of incidents of sexual misconduct, investigations, and sanctions<br>• Conduct a research-based climate survey and communicate climate survey results and statistics regularly to campus community<br>• Publish annual reports and evaluations<br>• Regularly gather feedback from those who have been through the complaint process, whether as reporting parties or responding parties, about the experiences with the process, and ask for their recommendations for making improvements<br>   o Feedback can be gathered in a variety of ways (survey, focus group, anonymous, non-anonymous, etc.)<br>• Develop ways to evaluate the institutional response throughout the process, including from those involved in receiving reports, investigating and adjudicating complaints, reviewing appeals, and providing support as a university resource | F; G; I; J7; M; N; U |
| Provide multi-tiered education/training on policies and procedures for the entire campus | • Provide appropriate education/training based on campus role (administrator, faculty, staff, student, etc.), which should:<br>   o Communicate clear, unambiguous expectations of policies and conduct, including examples;<br>   o Explain policies and complaint process;<br>   o Include prevention education strategies;<br>     ▪ Describe how to prevent, recognize, and respond to objectionable conduct that, if left unchecked, may rise to the level of prohibited harassment<br>• Regularly provide training needed for all roles<br>• Require mandatory training based on role change (for example, an employee becoming a supervisor should trigger additional training on AAO responsibilities)<br>• Require mandatory training on policy changes<br>• Center training on trauma-informed approaches that respect diversity and support equity and inclusion<br>• Routinely evaluate and revise education/training as necessary to determine frequency, content, and delivery method | B; F; G; I; J3; J5; K; L; M; N; S; U |
| Employees responsible for receiving, investigating, and resolving reports/complaints, or otherwise involved in the process, will be trained appropriately, meet certain minimum expectations, and | • Provide additional training on employee's specific job duties and best-practices, including:<br>   o Observing constitutional rights of the parties<br>   o Trauma-informed interviewing<br>   o Identifying bias in order to remain neutral<br>• Require that employees must:<br>   o Be objective and neutral when resolving complaints<br>   o Understand and maintain the privacy associated with the complaint process | B; E; F; G; M; P; U |

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| receive institutional support | • Appropriately document every complaint, from initial intake to investigation to resolution**,** and prepare a written report documenting the investigation, findings, recommendations, and disciplinary action imposed (if any), and corrective and preventative action taken (if any) is available to involved parties<br>• Hold employees accountable to the requirements of their roles in the process (i.e. AAOs, Response Coordinators, Investigators, etc.)<br>• Provide institutional support so employees have the authority, independence, and resources required to receive, investigate, and resolve complaints appropriately<br>• Designate authorized university representative(s) to comply with specific and timely reporting obligations (Clery, timely warnings, outside agencies, etc.) | |
| Policies and procedures should be accessible | • Information on policies and practices should be accessible for the different audiences it is intended to serve (e.g., students of diverse backgrounds and languages, parents, faculty, administration, and staff, including taking into account different work environments)<br>• Process is inclusive and responsive to all employees and students<br>• Publish in formats available to all, including English-language learners and people with disabilities, and be available in multiple languages<br>• Create user friendly materials to explain the policy and procedure and provide neutral information about rights and options of reporting and responding parties, common FAQs, etc. | B; F; G; I; M; N; P |
| Language and format used in policies and procedures should be understandable and concise | • Policies and procedures should use:<br>   o Understandable language<br>   o Concise language<br>   o Clear, logical sections | B; C; D; F; G; J5; M |
| Those involved in the process can expect to be treated respectfully and fairly | • Take all questions, concerns, and complaints about the process seriously, and respond promptly and appropriately<br>• Respond promptly and appropriately to reports<br>• Operate promptly, thoroughly, and impartially<br>• Take action to ensure immediate safety of all involved<br>• Impose discipline that is prompt, consistent, and proportionate to the severity of the harassment and/or related conduct (i.e. retaliation)<br>• Treat reporting parties, responding parties, witnesses, and others with respect<br>• Include processes to ensure that responding parties are not prematurely presumed guilty or prematurely disciplined for harassment | J5; L; M; |
| Craft well-defined policies and procedures | • Outline objective/goal of policy in the beginning<br>   o Include statement of commitment to taking reports seriously | B; C; D; E; F; G; H; J4; J5; K; |

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| | <ul><li>○ Include a statement that the university will take immediate and proportionate corrective action if it determines that harassment has occurred following an investigation</li><li>Define the jurisdiction of the policy including persons, locations, and activities covered by the policy</li><li>Define terms associated with roles in polices/procedures (reporting party, responding party, investigator, adjudicator, response coordinator, Title IX Coordinator, AAO etc.)</li><li>Include definitions and examples of prohibited behavior<ul><li>○ Define speech-based sexual harassment according to constitutional limits</li></ul></li><li>Define consent and impact of drug/alcohol/other impairment</li><li>Include amnesty from other policies – i.e. drugs/alcohol</li><li>Explain the extent to which past sexual history may be used in an investigation</li><li>Include a statement that individuals are encouraged to report conduct that they believe may be prohibited harassment (or that, if left unchecked, may rise to the level of prohibited harassment), even if they are not sure that the conduct violates the policy</li><li>Define and communicate privacy policies</li><li>Outline the definition, policy, and reporting process for retaliation</li><li>Include an explanation of rights and options of reporting and responding parties</li></ul> | M; O; P; Q; R; S; U |
| Identify resources inside and outside the university | <ul><li>Resources should include counseling, health, mental health, victim advocacy, legal assistance, student financial aid, visa and immigration services, etc.</li><li>Resources can be accessed even if someone does not make a report</li><li>Both parties can access resources</li><li>Explain accommodations including examples<ul><li>○ Notification to party if their personally identifying information is shared to provide an accommodation or protective measure</li><li>○ Accommodations are available even if someone does not make a compliant</li></ul></li><li>Parties have equal right to lawyers and/or other support persons<ul><li>○ Review university provided resources based on their role during the complaint process</li><li>○ Explore the feasibility of the university providing functionally similar confidential resources to all parties during the complaint process</li></ul></li></ul> | B; E; G; I; U |
| Clearly outline options and responsibilities for reporting | <ul><li>Reporting process should be accessible, effective, and easy</li><li>Outline multiple ways to report within the university<ul><li>○ Provide clear, formal reporting office</li><li>○ AAOs (explain what happens when a report is made to an AAO)</li><li>○ Confidential options</li></ul></li></ul> | B; E; G; I; J1; J2; J4; J5; J7; L; M; L; O; S |

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| | <ul><li>o Online options</li><li>o Anonymous reporting<ul><li>▪ Clearly define what it means to anonymously report (e.g. not anonymous if: contact information can be traced back to the reporter; the report is made to a non-confidential university employee associated with the process even with the intention of remaining anonymous)</li><li>▪ Explain the limits of what university action can be taken based on an anonymous report</li><li>▪ Explain what sort of corroborating evidence could support an anonymous report to allow further action</li></ul></li><li>o Identify reporting options outside the university, including local law enforcement and city/state/federal agencies</li></ul><ul><li>Establish that anyone can make a report at any time<ul><li>o Clarify that the timing of the report may impact the options available</li></ul></li><li>Explain institution's reporting obligations (Clery, timely warnings, outside agencies, etc.)</li></ul> | |
| Clearly outline options for taking-action under policies and procedures | <ul><li>Explain options for formal complaint or informal resolution/alternative dispute resolution</li><li>Explain that the university may bring a formal complaint with or without the participation of the reporting party</li><li>Explain possible interim measures including examples</li><li>Define which individual or which office has decision-making authority for interim measures</li></ul> | O |
| Clearly describe what an informal resolution or alternative dispute resolution entails | <ul><li>Define purpose and how it differs from investigation/adjudication</li><li>Explain that informal resolutions are voluntary</li></ul> | J4; O; M |
| Clearly outline investigative policies and procedures | <ul><li>Explain what investigation may entail, including proceedings, steps, and decision-making process (including assessing credibility)</li><li>Investigation is reliable and impartial</li><li>Due process rights are observed, including adequate notice and meaningful opportunity to be heard<ul><li>o Explain that due process rights may differ from the criminal requirements</li></ul></li><li>Include a statement of equal rights for both parties</li><li>Parties have equal access to information</li><li>Parties have an opportunity to identify evidence and witnesses</li><li>Parties have the right to have an advisor or support person present<ul><li>o Clearly define role of advisor and/or support person in the process, including expectations for maintaining confidentiality</li><li>o Advisor and/or support person can be anyone of their choosing</li></ul></li></ul> | B; E; F; G; I; J5; M; O; P |

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| | ▪ Explain issues and limitations of a witness being an advisor or support person<br>• Provide methods of effective cross-examination that do not involve direct questioning by the parties, as allowed in accordance with the law<br>• The investigation will have a reasonably prompt timeline<br>　○ Outline the anticipated timeframe for each stage of a disciplinary process and how delays will be communicated<br>• Explain the limits of confidentiality in investigation records and documents | |
| Clearly outline decision-making and grievance policies and procedures | • Due process rights are observed<br>• Policies and procedures are interpreted consistently and sanctions are applied consistently<br>• Clearly define possible sanctions, remedies for reporting party, and remedies for school community<br>• Define which individual has final authority to make a finding of a policy violation<br>• Define which individual has decision-making authority for sanctions/discipline<br>• State that the standard of proof is preponderance of the evidence<br>• Written rationale must include how evidence was weighted and how evidence supports the result/sanctions<br>• Parties are regularly informed about the process in a timely manner<br>• Parties receive simultaneous written notification of the conclusion and sanctions<br>• Appeals process is outlined, including grounds for appeal, scope of review, and remedies available<br>• Appeals process is conducted in a timely manner<br>• Explain how parities can raise conflict of interest claims for decision-makers | B; E; G; I; M; O |

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Steve Wehling, Office of Equal Opportunity and Diversity
Libby Washburn, University Human Resources

*Submitted 11/15/2019*

# Appendix A: Policy/Procedures Success Measures Work Group Charge

The University of Iowa 2018-2021 Anti-Violence Plan outlines a strategy in the policy section to, "Develop success measures for assessing the effectiveness of policies and procedures." Various stakeholders across campus work with sexual misconduct and sexual harassment policies and procedures, and success measures should be established with stakeholder involvement and feedback. The work group, made up of various stakeholders across campus, is charged with developing success measures for assessing the effectiveness of sexual misconduct and sexual harassment policies and procedures. The developed success measures will be used to inform ongoing policy and procedure review. Work group will include members from:

- Office of the Sexual Misconduct Response Coordinator
- Office of the Vice President for Student Life
- Office of Student Accountability
- Office of Equal Opportunity and Diversity
- University of Iowa Human Resources
- Women's Resource and Action Center [3]
- Student Advisory Committee on Sexual Misconduct
- Office of the General Counsel (serve in a consultation role)

**Scope of Project:**
- Sexual misconduct policy/procedure and sexual harassment policy/procedure.
- To develop success measures, <u>not</u> to assess the effectiveness of policies and procedures.
- Any success measures should be informed by a variety of perspectives on the topic, including federal and state law/guidance, the University of Iowa mission and strategic plan, national organizations, etc.
- Success measures can be organized by perspective or by issues.

**Sponsor:** The work group is sponsored by the Anti-Violence Coalition.

**Project Support:** Alyssa Pomponio will serve as committee chairperson and Teri Schnelle will serve as project manager.

**Deliverables:** The work group is responsible for delivering the following:

- A report providing recommendations on success measures for sexual misconduct and sexual harassment policy/procedure.

**Schedule:** Due date for above deliverables: Summer 2019

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[3] The representative from the Women's Resource & Action Center has unable to continue as a work group member and was replaced by a representative from RVAP.

# Appendix B: List of Perspectives

- University of Iowa Mission/Strategic Plan/Values
- Federal Law & Guidance (Title VII; Title IX)
- State Law & Guidance & Accreditation Standards
- Society for Human Resources Management
- College & University Personnel Association
- Associate of Title IX Administrators (ATIXA)
- National Association of Student Personnel Administrators (NASPA)
- National Association of College and University Attorneys (NACUA)
- Equal Employment Opportunity Commission (EEOC)
- Centers for Disease Control and Prevention (CDC)
- National Collegiate Athletic Association (NCAA)
- National Center for Victims of Crime
- Victim Rights Law Center
- The Clery Center
- National Science Foundation (NSF)
- National Institute of Health (NIH)
- Foundation for Individual Rights In Education (FIRE)
- Association of Student Conduct Administrators (ASCA)
- Association of American Universities (AAU)
- Association of Public and Land Grant Universities (APLU)
- American Association of University Professors (AAUP)
- United States Armed Forces
- Other institutions (UC System, Baylor, UVA, Duke, Ohio State, USC, Florida State)

# Appendix C: University of Iowa Mission, Vision, Values

Core Values. In planning, setting priorities, and carrying out every aspect of its mission, The University of Iowa is guided by seven interdependent commitments: Excellence, Learning, Community, Diversity, Integrity, Respect, and Responsibility.

The University of Iowa is a community of faculty, staff, students, alumni, and friends who seek to advance knowledge and foster learning across a broad range of academic endeavors. So that learning and creative expression may flourish, the University takes seriously its obligation to protect academic freedom and free expression; maintain a safe, supportive, healthy, and humane environment; and nourish a system of collaborative decision making based on mutual respect and shared governance. Because diversity, broadly defined, advances its mission of teaching, research, and service, the University is dedicated to an inclusive community in which people of different cultural, national, individual, and academic backgrounds encounter one another in a spirit of cooperation, openness, and shared appreciation.