

**Resource Guide**  
for *Respondents* in  
Sexual Misconduct,  
Sexual Assault, Sexual  
Harassment, Stalking,  
and Intimate Partner  
Violence matters

**IOWA STATE  
UNIVERSITY**

Being accused of sexual misconduct or related charges can be confusing and unsettling. This Resource Guide for Respondents provides information about Iowa State University’s sexual misconduct complaint resolution process and the resources and services available to accused students. The individual accused of sexual misconduct is referred to as the “Respondent” during the complaint resolution process.

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

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***Important: This Resource Guide is intended as an outline and summary only of Iowa State University's Sexual Misconduct, Sexual Assault, Sexual Harassment, Stalking, and Intimate Partner Violence Involving Students Policy. The content, information, and definitions provided herein are summary in fashion and do not constitute official university policy. ISU's full policy is available at: <https://www.policy.iastate.edu/policy/students/sexualmisconduct>***

Iowa State University does not tolerate sexual misconduct, sexual assault, sexual exploitation, sexual and/or gender-based harassment, sexual intimidation, intimate partner violence, stalking, retaliation, or complicity in any of these acts. These unacceptable behaviors are collectively referred to as "Prohibited Conduct."

ISU strongly urges students, faculty, staff, and third parties to promptly report all incidents of Prohibited Conduct. ISU will respond in a reasonable and appropriate manner to all reports of Prohibited Conduct. In appropriate cases, ISU will conduct a prompt, fair, and impartial investigation and adjudication of complaints and, where appropriate, issue interim and/or final remedial measures. Individuals who, alone or in concert with others, are found responsible for participating or attempting to participate in Prohibited Conduct will be subject to disciplinary action, up to and including expulsion or termination, notwithstanding any action that may or may not be taken by civil or criminal authorities.

Retaliation against anyone who makes a good faith report of Prohibited Conduct, who opposes in a reasonable manner an act believed to constitute Prohibited Conduct, or who participates in an investigation or adjudication related to Prohibited Conduct, is strictly prohibited. All ISU students, employees, and campus community members have access to Confidential Resources that they may use for support and guidance regardless of whether they make a report to the University or participate in a University or law enforcement investigation.

ISU also prohibits all forms of discrimination and harassment on the basis of age, color, creed, disability, gender identity, genetic information, national origin, pregnancy, race, religion, sex, sexual orientation, and/or U.S. veteran status (collectively referred to as "Protected Status") in its programs, activities, and/or employment. Concerns related to discrimination and harassment are addressed by the University's Discrimination and Harassment Policy, available at: <https://www.policy.iastate.edu/policy/discrimination>

Individuals can make a report and/or seek guidance from ISU's Title IX Coordinator and Office of Equal Opportunity (OEO) staff in person, by telephone, by email, or online (3410 Beardshear Hall, 515-294-7612, [eooffice@iastate.edu](mailto:eooffice@iastate.edu)).

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## Policy definitions <sup>1</sup>

**Complainant:** Refers to an individual who reports experiencing any form of Prohibited Conduct, and is ordinarily named in a complaint.

**Respondent:** Refers to an individual who is responding to a complaint, and is the individual who has been accused of engaging in Prohibited Conduct.

**Sexual assault:** Any sexual penetration and/or sexual contact without consent. This may include force and/or nonphysical forms of pressure that compel individuals to engage in sexual activity against their will. Sexual contact includes any intentional touching of a person's sexual or other intimate body parts.

**Sexual exploitation:** Any act where one person violates the sexual privacy of another or takes unjust or abusive sexual advantage of another without consent.

**Sexual and/or gender based harassment:** Unwelcome behavior (verbal, written, physical) that is directed at someone because of that person's sex, gender, sexual orientation, or gender identity that creates a hostile, intimidating, or offensive environment.

**Sexual intimidation:** Involves threatening to commit a non-consensual sexual act upon another person or threatening physical violence against another person because of that person's sex, sexual orientation, gender, or gender identity.

**Intimate partner violence:** Any act of violence or threatened act of violence that occurs between persons who are involved or have been involved in a sexual, dating, spousal, domestic, or other intimate relationship.

**Stalking:** A course of conduct (i.e., more than a single act) directed at a specific person that would cause a reasonable person (under similar circumstances and with similar identities to the Complainant) to fear for their own safety or the safety of others or suffer substantial emotional distress.

**Complicity:** Any act taken with the purpose of aiding, abetting, facilitating, promoting, or encouraging the commission of an act of Prohibited Conduct by another person.

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<sup>1</sup> The information and definitions contained in this Resource Guide are abbreviated and in summary form only. Individuals must consult the University sexual misconduct policy for complete definitions, available at <http://www.policy.iastate.edu/policy/students/sexualmisconduct>.

## IMPORTANT DEFINITIONS (continued)

**Retaliation:** Any adverse action or threat of adverse action taken against a person or group of persons for making a good faith report of Prohibited Conduct, for opposing in a reasonable manner an act believed to constitute Prohibited Conduct, or for participating in an investigation or adjudication of Prohibited Conduct.

**Consent:** An informed, voluntary, and active agreement expressed through affirmative words or actions, and mutually understandable to all parties involved, to engage in a specific sexual act at a specific time.

- Consent must be, *informed, voluntary, and active*.
- Consent cannot be obtained by force. Force includes the use of physical violence, threats, intimidation, and/or coercion.
- Consent cannot be obtained by taking advantage of a person who does/did not have the capacity to consent, where the person initiating sexual activity knew or reasonably should have known the other person lacked this capacity.
- Consent cannot be assumed, there must be an affirmative expression through words and/or actions that all parties involved consented to specific sexual activity at a specific time. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other party has consented before engaging in specific sexual activity.

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## Reports to law enforcement and the university

An individual may choose to report allegations of sexual misconduct to law enforcement, ISU, both, or neither. ISU's investigation and resolution process may occur concurrently with a criminal investigation.

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## Complaint investigation and resolution

When ISU receives a report of a potential incident of Prohibited Conduct, the University's Title IX Coordinator, in the Office of Equal Opportunity ("OEO"), schedules a meeting to discuss the concern with the Complainant and discuss the Complainant's rights, resources, and responsibilities. If the Complainant files a formal complaint, or if the Title IX Coordinator determines that a formal complaint is appropriate, the University will initiate a prompt, thorough, fair, and impartial investigation and resolution process.

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

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

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

At the conclusion of the investigation process, the parties meet with an appropriate University administrator in order to review the outcome of the investigation and discuss the applicable adjudication process (if applicable). All determinations of responsibility and, if necessary, any sanctions, are made following a hearing before a Student Conduct Hearing Board (SCHB). Determinations regarding responsibility are made based on the preponderance of evidence standard ("more likely than not"). A flow chart of the Prohibited Conduct complaint resolution process may be found on page 9 of this Resource Guide.

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### Timeline

In all cases, ISU will take prompt, fair, and appropriate steps to investigate reports and stop, prevent, and remedy the impact of any Prohibited Conduct. The University cannot guarantee a definite timeframe for this process, but in all matters the University will make a good-faith effort to complete a fair and impartial investigation in a timely manner based on the totality of the circumstances present. Factors that may impede the timing of the process include the complexity and severity of the matter, the number and availability of witnesses, and/or the need to identify and acquire physical or other evidence.

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### Privacy & confidentiality

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

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

Some resources (both on and off campus) are able to maintain complete confidentiality, except in some very limited circumstances as recognized under the law, with respect to incidents of sexual misconduct. These confidential resources are identified on pages 12-13 of this Resource Guide.

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### Participation in the process

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

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### Interference with an investigation

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

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### Advisors

All parties to an investigation, including the Complainant, the Respondent, and any witnesses, are entitled to be accompanied and assisted by any two persons of their choosing and at their own expense at both formal and informal meetings, investigation interviews, and any necessary hearings. These persons are referred to as “advisors” or “support persons” during the process.

Support persons and advisors are limited to an advisory and supporting role only. While support persons/advisors may provide support and advice, they may not speak on behalf of the parties or otherwise directly participate in, or in any manner delay, disrupt, or interfere with the process.

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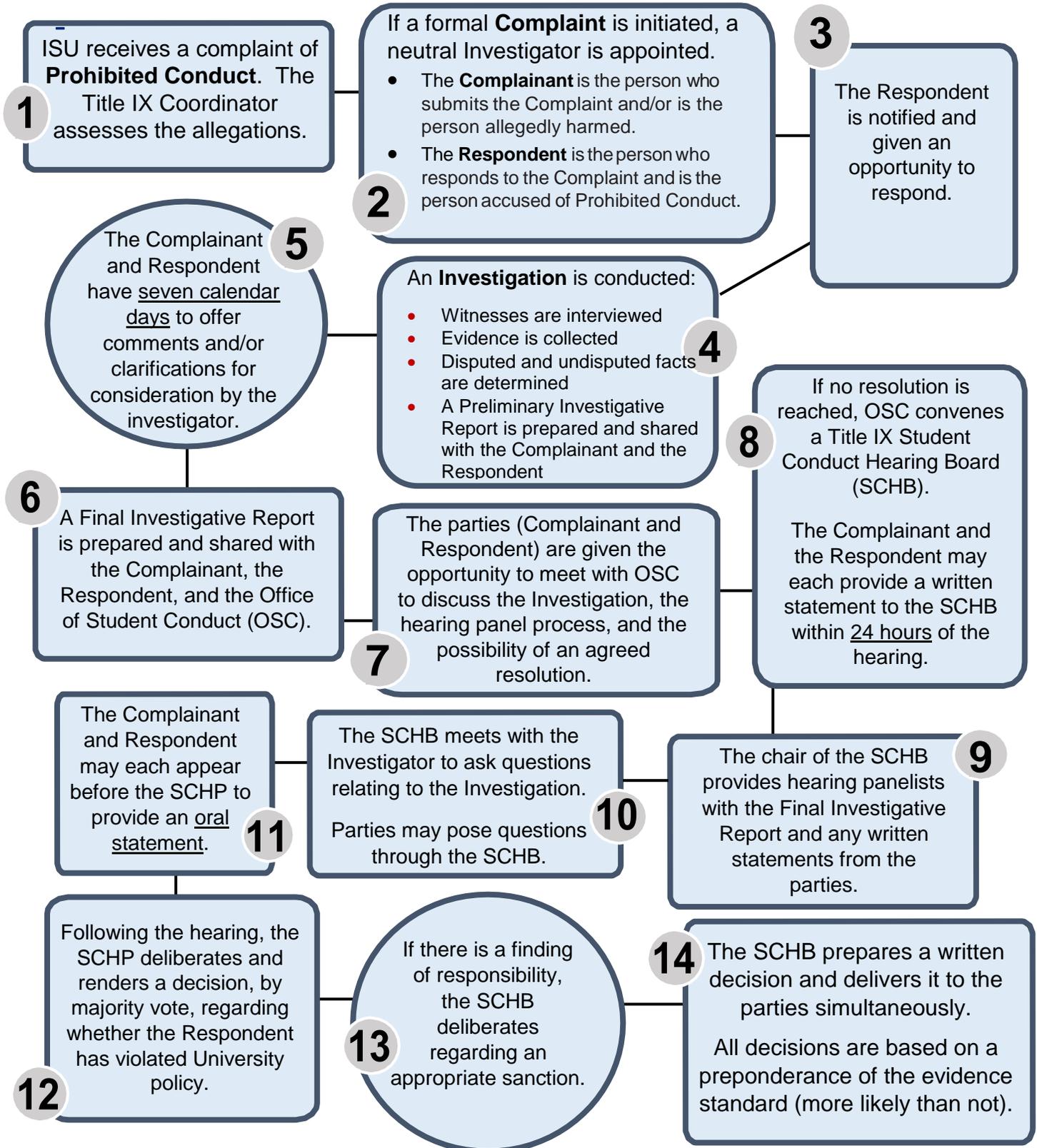
### Retaliation is prohibited

ISU strictly prohibits retaliation against any individual for reporting an incident of Prohibited Conduct, for opposing in a reasonable manner an act believed to constitute Prohibited Conduct, and/or for participating in an investigation or hearing related to a report of Prohibited Conduct.

Retaliation is any materially adverse action or threat of adverse action taken, directly or through others, against an individual because of the individual’s report, or participation in the investigation of a report of misconduct, or objecting to or resisting such misconduct. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from reporting Prohibited Conduct and/or from participating in any investigation or proceeding. Examples of retaliation include, but are not limited to: terminating someone’s employment; reducing a grade; removing someone from an organization; direct or indirect intimidation, threats, or coercion; harassment; or other adverse treatment that is likely to deter reasonable people from pursuing their rights.

Concerns of retaliation should be reported to the Office of Student Conduct, the Title IX Coordinator, and/or the Office of Equal Opportunity as soon as possible.

## Overview of Investigation and Adjudication Procedures for Formal Complaints of Prohibited Conduct Involving Students:



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## How to help a friend who has been accused of sexual misconduct

**Hear** your friend's point of view.

**Acknowledge** your friend's feelings about the situation.

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

**Do:**

Inform your friend about the counseling resources on and off campus (see pages 12-14).

Talk to your friend about whether getting an advisor might help (see page 8).

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

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

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

**Do NOT:**

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

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

Tell your friend what to do.

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

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

## Supportive and interim measures

ISU has many means of increasing safety and support for individuals impacted by Prohibited Conduct. These are accessible and available regardless of whether an individual files a complaint with ISU or law enforcement, and are available to Complainants, Respondents, and witnesses. Upon receipt of a report or notice of Prohibited Conduct, the University will discuss reasonable and appropriate supportive and interim measures designed to preserve the parties' educational experiences; protect the parties during an investigation; address possible safety concerns for the parties involved and for the broader community; maintain the integrity of the investigation/adjudication process; and deter retaliation. These measures may be remedial (i.e., measures designed to maintain continued access to educational opportunities) and/or protective (i.e., involving a restrictive action against a party). Such measures may include, but are not limited to:

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|---|---|
| <ul style="list-style-type: none"> <li>• Issuing “restricted contact notices” designed to restrict contact and communication between individuals</li> </ul> | <ul style="list-style-type: none"> <li>• Issuing “restricted contact notices” designed to restrict contact and communication between individuals</li> </ul> |
| <ul style="list-style-type: none"> <li>• University housing and dining modifications</li> </ul>   | <ul style="list-style-type: none"> <li>• University housing and dining modifications</li> </ul>   |
| <ul style="list-style-type: none"> <li>• Academic modifications and support</li> </ul>  | <ul style="list-style-type: none"> <li>• Academic modifications and support</li> </ul>  |
| <ul style="list-style-type: none"> <li>• University employment modifications and support</li> </ul>   | <ul style="list-style-type: none"> <li>• University employment modifications and support</li> </ul>   |
| <ul style="list-style-type: none"> <li>• Referral to resources which can assist with financial aid, visa, and immigration concerns</li> </ul>               | <ul style="list-style-type: none"> <li>• Referral to resources which can assist with financial aid, visa, and immigration concerns</li> </ul>               |
| <ul style="list-style-type: none"> <li>• Transportation assistance, including the provision of escorts</li> </ul>   | <ul style="list-style-type: none"> <li>• Transportation assistance, including the provision of escorts</li> </ul>   |

Contact the Office of Student Assistance and/or the Title IX Coordinator for assistance in obtaining any of these services. See pages 14-16 for contact information.

## Confidential resources

Under Iowa law and ISU policy, communications with certain individuals are considered completely confidential (or privileged). This means that, with very limited exceptions, any information shared with this party may not be shared with others or used against the individual. Reports made to confidential resources do not put the University on notice. If an individual wants to put the University on notice of a potential policy or legal violation (including reports of sexual misconduct/assault), they should contact the Title IX Coordinator, a Deputy Title IX Coordinator, ISU PD, or designated responsible employee.

Generally, confidentiality/privilege applies when a party seeks services from the following persons:

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

Students should always confirm whether confidentiality applies to the communication with the individual with whom they are seeking services. Within the ISU community, the following resources are recognized confidential resources:

### **ACCESS (Assault Care Center Extending Shelter & Support)**

*Provides assistance and advocacy to victims of sexual abuse and domestic violence*

Ames, Iowa (and other locations throughout Iowa)

Sexual Assault Crisis Line (24/7): 515-292-5378 or Toll Free 800-203-3488

Domestic Abuse Crisis Line (24/7): 515-292-0519 or Toll Free 855-983-4641

Housing/Sheltering Crisis Line (24/7): 515-292-0543 or Toll Free 855-696-2980

<https://www.assaultcarecenter.org>

### **ISU Student Counseling Services**

*Provides counseling services to students free of charge*

Student Services Building, Third Floor

515-294-5056

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

### **ISU Thielen Student Health Center**

*Provides general medical treatment and psychiatry services to all students*

2647 Union Drive, Iowa State University

515-294-5801

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

**Mary Greeley Medical Center**

*Provides emergency medical treatment and in-patient services*

1111 Duff Avenue, Ames, Iowa 515-239-2011

<http://www.mgmc.org>

**Student Legal Services**

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

Memorial Union, Third Floor

515-294-0978

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

**The Legal Aid Society of Story County**

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

937 6<sup>th</sup> Street, Nevada, Iowa 50201

515-382-2471

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

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## Campus confidential resources

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

Exceptions to confidentiality will be made in cases involving risk of serious harm to self or others and disclosures of child abuse. **Please note that campus confidential resources are not protected under Iowa law as confidential or privileged.** This means that information shared

with a campus confidential resource may be subject to legal subpoena and/or used as evidence in any external judicial or administrative proceeding.

Students should always confirm whether campus confidentiality applies to the communication with the individual with whom they are seeking services. Within the ISU community, the following resources are recognized campus confidential resources:

**Center for LGBTQIA+ Student Success**

*Provides programs, services, referrals and resources focused on sexual orientation and gender identity/expression for students at Iowa State University.*

Student Services Building, Office 1064

515-294-5433 // <http://center.dso.iastate.edu/>

**Margaret Sloss Women's Center**

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

Sloss House on the ISU Campus

515-294-4154 // <http://www.mswc.dso.iastate.edu/>

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## Reporting resources (respects privacy but not confidential)

If an individual wishes to report Prohibited Conduct to the University, they may contact an office below. These offices can also discuss the investigation process, supportive and interim measures, services, and other related information:

**Office of Equal Opportunity**

*Coordinates ISU's comprehensive response to incidents of Prohibited Conduct*

3410 Beardshear Hall

515-294-7612

Hotline: 515-294-1222

[eooffice@iastate.edu](mailto:eooffice@iastate.edu)

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

**Office of Student Assistance**

*Provides assistance in navigating processes and procedures at ISU, and helps administer support and resources to students*

1010 Student Services Building, First Floor

515-294-1020

[studentassistance@iastate.edu](mailto:studentassistance@iastate.edu)

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

**Office of Student Conduct**

*Provides information on the student code of conduct and adjudication processes, and information regarding restricted contact notices*

1010 Student Services Building, First Floor

515-294-1020

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

**Student Accessibility Services**

*Supports students with disabilities to coordinate support services and programs that enable access to education and university life*

1076 Student Services Building

515-294-7220

<https://sas.dso.iastate.edu/>

**Iowa State University Police Department**

*Assistance in emergency situations, help in exploring and filing criminal charges, and assistance in navigating the criminal process for on-campus incidents*

Armory Building, Room 55

Emergencies: 911

Non-Emergencies: 515-294-4428

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

**City of Ames Police Department**

*Assistance in emergency situations, help in exploring and filing criminal charges, and assistance in navigating the criminal process for off-campus incidents*

515 Clark Avenue, Ames, Iowa

Emergencies: 911

Non-Emergencies: 515-239-5133

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

**Story County Attorney's Office**

*Assistance in exploring and filing criminal charges, assistance in navigating the criminal justice process and court procedures, and victim/witness assistance*

Ames Office

126 S. Kellogg

Suite 203

Ames, IA 50010

515-232-4185

<http://www.storycountyiowa.gov/index.aspx?NID=90>

## Title IX Coordinator and Deputy Title IX Coordinators

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**Margo Foreman, Title IX Coordinator**

Assistant Vice President for Diversity, Inclusion, and Equal Opportunity

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Associate Director of Equal Opportunity

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Associate Provost

Phone: 515-294-6410

Email: [deprince@iastate.edu](mailto:deprince@iastate.edu)

**Sara Kellogg, Deputy Title IX Coordinator for Student Affairs**

Director of Office of Student Conduct

Phone: 515-294-1021

Email: [skellogg@iastate.edu](mailto:skellogg@iastate.edu)

**Charles Small, Deputy Title IX Coordinator for Athletics**

Senior Associate Director of Athletics

Phone: 515-294-3662

Email: [csmall@iastate.edu](mailto:csmall@iastate.edu)

**Judith Strand, Deputy Title IX Coordinator for the Graduate College**

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Phone: 515-294-5285

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**Monica Howard-Martin, Deputy Title IX Coordinator for Veterinary Medicine**

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