

Procedures, Applications, and Guidance: Title IX Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking Policy

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Introduction

Iowa State University establishes this procedures, applications, and guidance document to assist it in carrying out its responsibilities in administering and enforcing applicable federal and state law and university and Board of Regent policies relating to Title IX sexual harassment, sexual assault, dating violence, domestic violence, and stalking (collectively referred to herein as “Prohibited Title IX Sexual Harassment”). This procedures, applications, and guidance document is intended to create a process for reporting, responding to, addressing, investigating, and

severe, pervasive, and objectively offensive that it effectively denies a person equal access to the university's education programs or activities.

- i. Elements of severity, pervasiveness, and objective offensiveness must be evaluated in light of the known circumstances and depend on the facts of each situation, but must be determined from the perspective of a reasonable person standing in the shoes of the [Complainant](#).
- ii. No intent required. Unwelcome conduct so severe, pervasive, and objectively offensive that it denies a person equal educational opportunity is actionable regardless of the [Respondent's](#) intent to cause harm.

C. **Sexual Assault** – meaning, conduct classified as “Sex Offenses” under the uniform crime reporting system. (See, 20 U.S.C. 1092(f)(6)(A)(v)).

Sex Offenses: Any sexual act including Rape, Sodomy, Sexual Assault with an Object, Fondling, Incest, and Statutory Rape directed against another person, without the [consent](#) of the victim, including instances where the victim is incapable of giving consent.

- i. Rape- Sexual bodily connections with a person, without the consent of the victim,

- vi. Statutory Rape- Non-forcible sexual intercourse with a person who is under the statutory age of consent.

D. Dating violence – meaning, violence committed by a person:

- i. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- ii. where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship. (See, 34 U.S.C. 12291(a)(10))

E. Domestic violence -- meaning, felony or misdemeanor crimes of violence committed by:

- i. a current or former spouse of the victim;
- ii. by a person with whom the victim shares a child in common;
- iii. by a person who is cohabitating with or has cohabitated with the victim as a spouse;
- iv. by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction; or
- v. by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction. (See, 34 U.S.C. 12291(a)(8))

F. Stalking – meaning, engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- i. fear for their safety or the safety of others; *or*
- ii. suffer substantial emotional distresses. (Setio41 (o)[(3(fe))2 (.S)2 (.C)(n)-4 (.).1 1 (n)921 (o)21 (o)

more than one complainant, more than one respondent, or what amount to counter-complaints by one party against the other.

ii. Respondent – refers to an individual who has been reported to be the perpetrator of conduct that could constitute Prohibited Title IX Sexual Harassment.

- Any individual can be a respondent, whether such individual is a student, faculty, or staff member of the university, or other person with or without any affiliation with the university.
- The university will investigate a complainant's Formal 6(u)4 (ir(rmalu0 Tc(d

- Where the evidence in a matter is 'equal' or 'level', the preponderance of the evidence standard results in a finding that the respondent is not responsible.
- Not all evidence and information is equally helpful in determining whether the preponderance of the evidence standard is met. Evidence and information must be weighed, with the more credible, trustworthy, reliable, and probative evidence and information being given more weight.

D. **Consent** –The university defines consent for purposes of prohibited [Sexual Assault](#) as follows:

i. General definition: Consent is 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*: the individuals know about and understand the specific sexual activity that they are agreeing to;
- *Voluntary*: the individuals agree to the specific sexual activity freely without coercion, intimidation, or undue influence; and
- *Active*: the individuals communicate their agreement to engage in the specific sexual activity through affirmative words and/or actions that are reasonably recognizable, i.e., not silence, passivity, lack of resistance, or the absence of no.

ii. Additional guidance: The presence or absence of consent will be evaluated on the basis of the totality of the circumstances, including the context in which the reported incident occurred. In evaluating whether specific sexual activity was consensual, the university will consider the presence of any force, threat of force, intimidation, or coercion; whether the complainant had the capacity to give consent; and whether the communication (through any means) was (a) (b) (c) (d) (e) (f) (g) (h) (i) (j) (k) (l) (m) (n) (o) (p) (q) (r) (s) (t) (u) (v) (w) (x) (y) (z) (aa) (ab) (ac) (ad) (ae) (af) (ag) (ah) (ai) (aj) (ak) (al) (am) (an) (ao) (ap) (aq) (ar) (as) (at) (au) (av) (aw) (ax) (ay) (az) (ba) (bb) (bc) (bd) (be) (bf) (bg) (bh) (bi) (bj) (bk) (bl) (bm) (bn) (bo) (bp) (bq) (br) (bs) (bt) (bu) (bv) (bw) (bx) (by) (bz) (ca) (cb) (cc) (cd) (ce) (cf) (cg) (ch) (ci) (cj) (ck) (cl) (cm) (cn) (co) (cp) (cq) (cr) (cs) (ct) (cu) (cv) (cw) (cx) (cy) (cz) (da) (db) (dc) (dd) (de) (df) (dg) (dh) (di) (dj) (dk) (dl) (dm) (dn) (do) (dp) (dq) (dr) (ds) (dt) (du) (dv) (dw) (dx) (dy) (dz) (ea) (eb) (ec) (ed) (ee) (ef) (eg) (eh) (ei) (ej) (ek) (el) (em) (en) (eo) (ep) (eq) (er) (es) (et) (eu) (ev) (ew) (ex) (ey) (ez) (fa) (fb) (fc) (fd) (fe) (ff) (fg) (fh) (fi) (fj) (fk) (fl) (fm) (fn) (fo) (fp) (fq) (fr) (fs) (ft) (fu) (fv) (fw) (fx) (fy) (fz) (ga) (gb) (gc) (gd) (ge) (gf) (gg) (gh) (gi) (gj) (gk) (gl) (gm) (gn) (go) (gp) (gq) (gr) (gs) (gt) (gu) (gv) (gw) (gx) (gy) (gz) (ha) (hb) (hc) (hd) (he) (hf) (hg) (hh) (hi) (hj) (hk) (hl) (hm) (hn) (ho) (hp) (hq) (hr) (hs) (ht) (hu) (hv) (hw) (hx) (hy) (hz) (ia) (ib) (ic) (id) (ie) (if) (ig) (ih) (ii) (ij) (ik) (il) (im) (in) (io) (ip) (iq) (ir) (is) (it) (iu) (iv) (iw) (ix) (iy) (iz) (ja) (jb) (jc) (jd) (je) (jf) (jg) (jh) (ji) (jj) (jk) (jl) (jm) (jn) (jo) (jp) (jq) (jr) (js) (jt) (ju) (jv) (jw) (jx) (jy) (jz) (ka) (kb) (kc) (kd) (ke) (kf) (kg) (kh) (ki) (kj) (kk) (kl) (km) (kn) (ko) (kp) (kq) (kr) (ks) (kt) (ku) (kv) (kw) (kx) (ky) (kz) (la) (lb) (lc) (ld) (le) (lf) (lg) (lh) (li) (lj) (lk) (ll) (lm) (ln) (lo) (lp) (lq) (lr) (ls) (lt) (lu) (lv) (lw) (lx) (ly) (lz) (ma) (mb) (mc) (md) (me) (mf) (mg) (mh) (mi) (mj) (mk) (ml) (mm) (mn) (mo) (mp) (mq) (mr) (ms) (mt) (mu) (mv) (mw) (mx) (my) (mz) (na) (nb) (nc) (nd) (ne) (nf) (ng) (nh) (ni) (nj) (nk) (nl) (nm) (nn) (no) (np) (nq) (nr) (ns) (nt) (nu) (nv) (nw) (nx) (ny) (nz) (oa) (ob) (oc) (od) (oe) (of) (og) (oh) (oi) (oj) (ok) (ol) (om) (on) (oo) (op) (oq) (or) (os) (ot) (ou) (ov) (ow) (ox) (oy) (oz) (pa) (pb) (pc) (pd) (pe) (pf) (pg) (ph) (pi) (pj) (pk) (pl) (pm) (pn) (po) (pp) (pq) (pr) (ps) (pt) (pu) (pv) (pw) (px) (py) (pz) (qa) (qb) (qc) (qd) (qe) (qf) (qg) (qh) (qi) (qj) (qk) (ql) (qm) (qn) (qo) (qp) (qq) (qr) (qs) (qt) (qu) (qv) (qw) (qx) (qy) (qz) (ra) (rb) (rc) (rd) (re) (rf) (rg) (rh) (ri) (rj) (rk) (rl) (rm) (rn) (ro) (rp) (rq) (rr) (rs) (rt) (ru) (rv) (rw) (rx) (ry) (rz) (sa) (sb) (sc) (sd) (se) (sf) (sg) (sh) (si) (sj) (sk) (sl) (sm) (sn) (so) (sp) (sq) (sr) (ss) (st) (su) (sv) (sw) (sx) (sy) (sz) (ta) (tb) (tc) (td) (te) (tf) (tg) (th) (ti) (tj) (tk) (tl) (tm) (tn) (to) (tp) (tq) (tr) (ts) (tt) (tu) (tv) (tw) (tx) (ty) (tz) (ua) (ub) (uc) (ud) (ue) (uf) (ug) (uh) (ui) (uj) (uk) (ul) (um) (un) (uo) (up) (uq) (ur) (us) (ut) (uu) (uv) (uw) (ux) (uy) (uz) (va) (vb) (vc) (vd) (ve) (vf) (vg) (vh) (vi) (vj) (vk) (vl) (vm) (vn) (vo) (vp) (vq) (vr) (vs) (vt) (vu) (vv) (vw) (vx) (vy) (vz) (wa) (wb) (wc) (wd) (we) (wf) (wg) (wh) (wi) (wj) (wk) (wl) (wm) (wn) (wo) (wp) (wq) (wr) (ws) (wt) (wu) (wv) (ww) (wx) (wy) (wz) (xa) (xb) (xc) (xd) (xe) (xf) (xg) (xh) (xi) (xj) (xk) (xl) (xm) (xn) (xo) (xp) (xq) (xr) (xs) (xt) (xu) (xv) (xw) (xx) (xy) (xz) (ya) (yb) (yc) (yd) (ye) (yf) (yg) (yh) (yi) (yj) (yk) (yl) (ym) (yn) (yo) (yp) (yq) (yr) (ys) (yt) (yu) (yv) (yw) (yx) (yz) (za) (zb) (zc) (zd) (ze) (zf) (zg) (zh) (zi) (zj) (zk) (zl) (zm) (zn) (zo) (zp) (zq) (zr) (zs) (zt) (zu) (zv) (zw) (zx) (zy) (zz)

- Persons who are [incapacitated](#) due to the influence of drugs, medication, and/or alcohol.
- Persons who are unable to communicate consent due to a mental or physical condition.
- Persons who have a bodily impairment or handicap that substantially limits the person's ability to resist or flee.
- Persons who are not of legal age to consent according to Iowa Code (see Iowa Code § 709.4).

v.

- Vomiting and/or incontinence
- Inability to remove clothing without assistance
- Strong smell of alcohol around the person
- Presence of bloodshot eyes and/or the inability to maintain eye contact

(These factors and other relevant factors are always consider along with the totality of the circumstances present)

A person who is incapacitated or approaching incapacitation may not be able to understand some or all of the following questions:

- “Do you know where you are?”
 - “Do you know how you got here?”
 - “Do you know the date and time of day?”
 - “Do you know whom you are with?”
 - “Do you know what is happening?”
- v. The impact of alcohol and/or drug use on a person may change over a period of time based on a variety of subjective factors, including the amount of substance consumed, the type of substance consumed (i.e., beer versus hard liquor), the speed of consumption, tolerance level, interaction with other substance use, food consumption, body mass, hormones, and metabolism. Accordingly, one should be cautious before engaging in sexual activity when any party has been drinking alcohol or using other drugs. The use of alcohol or other drugs can lower inhibitions and create an atmosphere of confusion about whether consent is effectively sought and freely given. If there is any doubt as to the level or extent of one’s own or another person’s ability to understand the facts, extent, or implications of sexual activity, the advisable course of action is to forego all sexual activity.
- vi. A person’s voluntary intoxication or drunkenness is never an excuse for or a defense to Prohibited Title IX Sexual Harassment.

F.

alcohol should be viewed as a risk factor for sexual assault and other forms of Prohibited Title IX Sexual Harassment.

Prohibited Title IX Sexual Harassment. Violations that placed the health or safety of others at risk, involve plagiarism or academic dishonesty, or are otherwise egregious are generally not afforded such amnesty.

In addition, to better ensure that minors at health risk as a result of alcohol or other intoxicant or who seek emergency safety protection receive prompt and appropriate attention, ISU provides health/safety amnesty to remove perceived barriers to calling for and seeking assistance. Underage individuals who seek emergency assistance for themselves or on behalf of another individual will not be charged with non-egregious student code violations (including alcohol or drug possession related violations) that may have occurred in relation to the emergency.

In addition, when individuals report Prohibited Title IX Sexual Harassment to the ISU
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important to understand the different reporting responsibilities that university employees and campus and community re

Confidentiality refers to the protections provided to information disclosed within legally-protected or privileged relationships pursuant to university policy and/or federal and State of Iowa law, including communications with licensed medical and clinical care professionals, licensed mental health care providers and counselors, ordained clergy, personal attorneys, and certain victim counselors as defined by Iowa Code § 915.20.

These confidential resources can engage in confidential communications when the information is disclosed within the scope of that person's professional services. When an individual shares information with a confidential resource (on campus or in the community) as a confidential communication in the course of a protected relationship, the confidential resource cannot disclose the information (including any personally identifiable information) to any third party without the individual's written permission or unless required by ethical or legal obligations which compel the professional to reveal such information. For example, information may be disclosed when the individual gives written consent for its disclosure, there is an imminent concern that the individual will likely cause serious physical harm to self or others, or the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18. An individual's medical and counseling records are also considered confidential documents. The university will not allow (do) (at) (j) (at) (j) (J) (0) (0) (1) (0) (ts) (6) (.n) (4) (ti) (4) ((o) (2) (r t) (6n) (4) (4) (h) (4) (e) (1) (the) (etio) (ie) (g) (r) (3) (1) (id) (6) (e) (3) (1) (g) (2) (le) (1) (d) (4) (6) (no) (fo) (1) (n) (6) (d) (4) (id) (3) (9) (nti)

- All employees who work in offices that interface with students.

When an individual tells a Responsible Employee about an incident of Prohibited Title IX Sexual Harassment under this Policy, that individual has the right to expect the university to take prompt and appropriate steps to respond and address the report. Therefore, Responsible Employees are responsible for promptly reporting information they learn concerning Prohibited Title IX Sexual Harassment to the university's Title IX Coordinator.

Responsible Employees are responsible for reporting all the information they know about a matter, including the names of the individuals affected and reported perpetrators, any witnesses, the date, time and location, and any other relevant details to the Title IX Coordinator. Responsible Employees should not discuss or share any information related to the incident with anyone other than those directly involved in handling the university's response, unless they received the individual's prior consent or in the event of an emergency or existing threat.

Responsible Employees cannot promise individuals confidentiality, anonymity, or withhold relevant information from the Title IX Coordinator. Accordingly, Responsible Employees should make every effort to ensure that all individuals, including students, understand that they are responsible for making a report to the Title IX Coordinator in the event they are made aware of an incident of Prohibited Title IX Sexual Harassment. If an individual expresses hesitation in speaking with a Responsible Employee because of their responsibility, the Responsible Employee should inform the individual of [Confidential and Campus Confidential Resources](#). Responsible Employees are not required to report information disclosed during public awareness events (e.g., "Take Back the Night," candlelight vigils, protests, "survivor speak-outs,") or information disclosed during an individual's participation as a subject in an Institutional Review Board-approved human subjects research protocol.

In response to a report from a Responsible Employee, the Title IX Coordinator will promptly contact the potentially impacted party(ies) to discuss the availability of [supportive measures](#), consider the party's wishes with respect to supportive mea/0 Td()TjE(n)-4 (3 Tw 27(at)-4 (i).55r (re)-1 (s)Tw 8.75iE)3i22o (u)-4i22o (80)4 (.)3 (.)1

university to issue timely warnings about certain crimes that occur on applicable university property and represent a serious or continuing threat to the campus community. Consistent with these acts, the university does not include any names or other personally-identifiable information of complainants, when issuing timely warnings.

Certain employees, known as Campus Security Authorities (CSAs), have a legal obligation to file a report with the ISU Police Department concerning known or suspected criminal activity. Additional information about CSAs and the filing of Clery reports may be found at the [ISU Police Department's Clery webpage](#).

4. Supportive Measures

ISU offers individualized supportive measures, as appropriate and reasonably available, without fee or charge to complainants, respondents, and witnesses. These supportive measures are available before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Supportive measures are designed to restore or preserve equity of access to the university's education programs and activities, without *unreasonably* burdening any party, and may include measures designed to deter Prohibited Title IX Sexual Harassment and protect the safety of all parties and the campus community. Supportive measures are non-disciplinary and non-punitive in nature.

Upon receipt of a report or notice of [Prohibited Title IX Sexual Harassment](#), the university will discuss reasonable and appropriate supportive 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. Questions and requests concerning such measures should be directed to the [Title IX Coordinator](#).

Supportive measures may include, but are not limited to:

- i. Information about and access to counseling, mental health, and medical resources;
- ii. Extension of deadlines or other course-related adjustments;
- iii. Modifications of work or class schedules;
- iv. Campus escort services;
- v. Mutual restricted contact notices designed to restrict contact and communication between individuals;
- vi.

- v. To be notified of potentially available [supportive measures](#).
- vi. To request reasonable disability accommodations.
- vii. To be accompanied and assisted by an adviser/support person, who may be, but is not required to be an attorney, of the individual (e)13 (dp7 (e)4 (o)10 (e)3

information and evidence, review a draft of the investigative report and provide comments,

multiple complainants' allegations are intertwined in a way that their allegations directly relate to all the parties.

- B. Complaint Assessment:** When the university receives a Formal Complaint that involves potential Prohibited Title IX Sexual Harassment, the Title IX Coordinator (or designee in all instances) will request an initial assessment meeting with the complainant / the person reportedly harmed in order to gain a basic understanding of the nature and circumstances of the allegations. At this meeting, the complainant will be provided with information regarding university policies, information about the process for filing a Formal Complaint and the investigation and hearing process, and information about available supportive measures. If the complainant declines to participate in this initial assessment meeting, the Title IX Coordinator will assess the Formal Complaint along with all available information.
- i. The Title IX Coordinator reviews the Formal Complaint, considering all available information, and determines whether the Formal Complaint falls within the scope of this Policy and whether the information provided, if true, rises to the level of a plausible violation of this Policy.
 - If the conduct alleged in the Formal Complaint would not constitute Prohibited Title IX [Sexual Harassment](#) as defined in this Policy even if proved, then the Formal Complaint will not proceed under this Policy.

will determine if another university policy or code of conduct potentially applies and initiate that policy's processes and procedures, and notify the parties involved of the applicable policy and procedures.

- ii. If the Title IX Coordinator, in consultation with other relevant offices (e.g., University Human Resources, Office of the Provost, Office of the Dean of Students), determines that a Formal Complaint will not proceed under this Policy for the reasons indicated directly above *and* that no other university policy or code of conduct potentially applies, then the university's investigation process will not proceed at that time. The Title IX Coordinator will notify the person reportedly harmed in writing of the decision not to proceed (as well as the respondent if notice has been provided) and provide the reason(s) why. The Title IX Coordinator will explain that if additional information/evidence becomes available, an investigation may then proceed. Appropriate and reasonable supportive measures will be provided regardless of whether an investigation proceeds.

Formal Complaint is filed, then the university may assess the matter and determine whether informal resolution is appropriate. The Title IX Coordinator will determine whether an informal resolution process is appropriate considering the totality of the circumstances. Informal resolution may be pursued at any time before a determination has been rendered by the appropriate decision maker. If an informal resolution is appropriate, the Title IX Coordin

iv. Appropriate and reasonable [supportive measures](#) may be implemented at any time during and following an informal resolution process.

E. Respondent's Acknowledgment of Responsibility: A Respondent may elect to acknowledge and take responsibility for reported Prohibited Title IX Sexual Harassment. In such a situation, the matter may be resolved under the Informal Resolution option, if all parties agree. The Title IX Coordinator may propose appropriate resolution options in such matters. If the university, Respondent and the Complainant agree, the matter will

- iii. the nature of the reported conduct/allegations;
- iv. the applicable potential Prohibited Title IX Sexual Harassment

responsible for violations and sanctioned, even if they decline to participate. The university will not draw any adverse inference from a Complainant's or a Respondent's decision not to participate, however, declining to participate may impact the timing and outcome of a matter, and the university will render a decision based on the totality of the relevant information available. Participation throughout the process, including at any hearing is important. As detailed below (8.E.ii), if a party or witness does not submit to questioning from another party's adviser at the live hearing, this may impact the consideration of and/or weight assigned to any statement (verbal and written) made by that party or witness in reaching a determination regarding responsibility.

Parties may be required to meet with appropriate university officials to receive notice of allegations and receive information about this Policy, applicable supportive or interim measures, the resolution process, and university's anti-retaliation policy. At such meetings, parties may elect to remain silent.

The university recognizes that witnesses may be reluctant to participate in the process. Witnesses should know that the university is committed to providing everyone involved in the resolution process with needed support and protecting everyone involved from retaliation.

Any person who knowingly and intentionally interferes with an investigation or adjudication under this Policy 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 testimony; removing, destroying, or altering documentation relevant to the investigation; and/or knowingly providing false or misleading information to an investigator, or encouraging others to do so.

- I. **Advisers:** All parties to an investigation, including the Complainant, the Respondent, and any witnesses are entitled to be accompanied and assisted by an adviser of their own choosing and at their own expense at all related meetings, including formal and informal meetings, investigation interviews, and any necessary hearings. A chosen adviser can be a friend, parent, attorney, support person, or other appropriate person. An adviser may be disallowed if they are identified as a witness related to the matter or another conflict of interest is present.
 - i. During all such related meetings advisers are not permitted to speak for the party. Parties may confer with their adviser during such meetings but such meetings may not be unreasonably delayed or impeded.
 - ii. Rules of Decorum: During all meetings, interviews and hearings, all individuals, including advisers, are required to comply with rules of decorum. These rules include respectfully participating in the process without unreasonably interfering,

delaying, or disrupting the meeting. An adviser who fails to comply with these rules may be disallowed by the university.

- J. **The Investigation:** The investigation may include, but is not limited to, interviews with the Complainant, the Respondent, and witnesses identified as having information related to the report made; the examination of written statements by the parties; and the examination of all other related documents and evidence. The investigator will undertake reasonable effort to gather evidence and conduct a thorough investigation.
- i. The investigator will interview the Complainant and Respondent separately. Each party will be asked to participate in an initial interview and may be asked to participate in follow up interview(s) as needed.
 - ii. The investigator will make a good faith effort to contact and interview any witness identified by the parties, in the documentation, or by the investigator, including those no longer at the university. Parties have an equal opportunity to identify witnesses, including fact and expert witnesses. However, the university does not have the power to subpoena or compel witness participation. Generally, a witness is an individual who observed some or all the alleged acts in question or is an individual with other information related to the incident. The investigator will inform each witness that they are prohibited from retaliating against the Complainant, the Respondent or other witnesses, and request that the witness respect the privacy of the parties and the integrity of the process.
 - iii. All parties to an investigation, including the Complainant, the Respondent, and witnesses may identify and provide evidence to the investigator (inculpatory or exculpatory) that they believe is related to the matter. Related evidence and information may include but is not limited to text messages, email exchanges, timelines, receipts, photographs, physical evidence, police records, etc. The investigator may also consider any additional related evidence they collect from other sources. The investigator will not access, consider, disclose, or otherwise use a party's records that are made or maintained

Report, and include the parties' written responses into the investigation file for decision maker consideration.

- L. **Final Investigative Report:** The Final Investigative Report and all directly related evidence will be delivered to the parties, the parties' respective advisers, the Title IX Coordinator, and the relevant hearing administrator(s). The Final Investigative Report will fairly summarize the relevant witness statements, documentary information and evidence. The Final Investigative Report may include credibly4 (ig (g)1 .81 0 T)1 .i,2 (rt)6 (may)

B. Notice of Live Hearing: The conduct administrator will provide written notice of a live hearing to both Complainant and Respondent. The notice of hearing will be sent to the parties at least ten (10) calendar days before the scheduled hearing. The notice of hearing will include the following information, if available:

- i. The date, time, and location of the live hearing;
- ii. The name(s) of the decision-maker(s);
- iii. The policy(ies) reportedly violated and potential sanction range;
- iv. A copy or link to the policy describing the applicable hearing process;
- v. A description of any supportive or interim measures that are in effect pending the hearing and a reminder of the university's anti-retaliation policy;
- vi. Information concerning the parties' right to be accompanied by an adviser;
- vii. Reminder that if a party or witness does not submit to questioning from another party's adviser at the live hearing, this may impact the consideration of and/or weight assigned to any statement made by that party or witness in reaching a determination regarding responsibility.

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party's adviser to the other party or to witnesses are [relevant](#) and therefore permissible or impermissible. At the university's discretion, the decision-maker may also serve as the hearing administrator or the university may choose to divide these roles within any particular hearing.

- iii. *Student Title IX Decision Maker*: In Formal Complaints where the Respondent is an ISU student and the potential sanction may impact the Respondent's status as a student, a Title IX Student Conduct Hearing Board ("SCHB") will serve as the decision-maker and determine if the Respondent violated this Policy and, if yes, to recommend an appropriate sanction. The SCHB for a specific matter is comprised of at least three members and must include: one faculty member, one staff member, and one student (undergraduate or graduate). The faculty or staff member will serve as the SCHB Chairperson.
- iv. *Staff Title IX Decision-Maker*: In Formal Complaints where the Respondent is an ISU merit staff member or an

iii. *Investigator Presents:* The investigator, or appropriate designee, will be present and will provide an overview of the investigation and Final Investigative Report. The decision-maker(s) may ask all relevant questions to the investigator and each party's adviser may ask all relevant questions to the investigator.

iv. *Questioning (Cross-Examination) Phase:* The decision-maker will allow and facilitate a process in which the decision maker and then each party's adviser may ask the other party and any witnesses, including the investigator, all relevant questions and relevant follow-up questions, including those relevant questions challenging credibility. The parties themselves are not allowed to ask the other party or any witness questions. If a party does not have an adviser present at the hearing, the university will provide that party with a questioner of the university's choice to read that party's questions. A questioner's role is strictly limited to reading a party's questions for purpose of party and witness questioning.

- Order of Presentation: Present and participating respondents may make a statement and submit to questioning from decision maker followed by adviser of other party. Present and participating complainants may make a statement and submit to questioning from decision maker followed by adviser of other party. Present and participating witnesses submit to questioning from decision maker followed by advisers of the parties.
- Only [relevant](#) questions may be asked. Advisers will initially pose their question to the hearing administrator or decision maker for a relevancy determination. The hearing administrator /

- vi. *Adjournment*: Following any closing statements the hearing will be adjourned.
- vii. *No New Evidence*: When the hearing convenes, no new evidence will be considered by the decision-maker unless the party offering the new evidence can show that it was: (i) not reasonably available during the investigation phase of the

days of the conclusion of the hearing. The written determination will contain the following content:

- Identification of the allegations potentially constituting [Prohibited Title IX Sexual Harassment](#);
- A summary-description of the procedural steps of the matter from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the Policy to the facts of the matter;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility;
- A description of any recommended disciplinary sanction(s) imposed upon the Respondent, if applicable;
- Whether any additional remedies or [supportive measures](#) designed to restore or preserve equal access to the university's programs or activities will be provided to the Complainant (details provided only to the Complainant);
- The university's procedures and permissible bases for the Complainant and/or the Respondent to appeal the determination.

H. Disciplinary Sanctions: If the decision-maker determines that the Respondent is responsible for one or more policy violations, it will recommend an appropriate sanction(s). Sanctions may include any of the sanctions identified in the Policy or the applicable code of conduct / handbook. In determining the appropriate sanctions to recommend, the decision-maker may review and consider any impact statements submitted by the parties.

- i. Sanctions for a finding of responsibility depend upon the nature and gravity of the misconduct and any record of prior discipline for violations of this Policy or other similar violations. The imposed sanction(s) should be designed to eliminate Prohibited Title IX Sexual Harassment, prevent its recurrence, and remedy its effects, while affirming the university's core values and principles.

- ii. The decision-maker will forward its recommendations regarding sanctions to the hearing administrator and Title IX Coordinator. The Title IX Coordinator and the appropriate senior

9. Appeal Procedures for Reports of Prohibited Title IX Sexual Harassment

In matters under this Policy, the Complainant and the Respondent have the equal right to appeal determinations of responsibility, the resulting sanctions, as well as the university's decision to dismiss a [Formal Complaint](#), based on limited grounds.

A. Grounds for Appeal: An appeal may be requested on the following limited grounds:

- i. Procedural irregularity that affected the outcome of the matter;
- ii. New evidence is presented that was not reasonably available at the time the determination regarding responsibility was made, that could reasonably affect the outcome of the matter;
- iii. The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter; or
- iv. The sanctions imposed are outside the university's sanction range for such violations and/or not justified in light of the totality of the circumstances.

B. Request for Appeal: Requests for appeal must be submitted in writing to the hearing administrator and senior administrator within seven (7) calendar days following delivery of the Final Outcome Letter. Upon written request, the senior administrator can grant additional time for submission of appeals. The written appeal must specifically identify the ground(s) for appeal, describe how the outcome of the matter was affected, and include any supporting material.

- i. Written requests for appeal submitted by one party will be shared with the other party. Each party may respond in writing to any appeal submitted by the other party. Written responses must be submitted within seven (7) calendar days following delivery of the request for appeal.
- ii. The university will attempt to render a decision on the appeal within thirty (30) calendar days following delivery of the initial request for appeal.

C. Appeal Decision-Maker: The decision-maker for an appeal will not be the decision-maker

- Dispute Resolution – P&S
 - Details processes available to professional and scientific (P&S) employees involved in a dispute, including informal resolution and formal resolution.
 - Overseen by University Human Resources
- [Consenting Relationships](#)
 - States ISU’s policy concerning certain consensual relationships, explaining that consenting relationships between teachers and students, supervisors and employees, or colleagues when one is, or likely will be, involved in the evaluation of the other are inappropriate
 - Overseen by the Office of the Senior Vice President and Provost and University Human Resources
- [Volunteers](#)
 - Establishes rules and procedures relating to volunteers and their relationship with the university for the purpose of minimizing risk and providing protection for the interests of the broader community
 - Overseen by the Office of Risk Management
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