






 Operations Manual						 The University of Iowa								
														

## PART II. COMMUNITY POLICIES

### DIVISION I HUMAN RIGHTS, AFFIRMATIVE ACTION, AND EQUAL EMPLOYMENT OPPORTUNITY

(Written to conform to *Regents Procedural Guide* 3/74; amended 9/93; 10/95; 9/97)

## CHAPTER 10: VIOLENCE

(President 1/92; amended 4/02; 7/04)

[10.1 General](#)

[10.2 Rationale](#)

[10.3 Scope of Policy](#)

[10.4 Prohibited Behavior](#)

[10.5 Oversight of Policy](#)

[10.6 Protection from Retaliation](#)

[10.7 Bringing a Complaint](#)

[10.8 Reporting System](#)

[10.9 Creative Programming](#)

[10.10 Factors to Consider When Determining Appropriate Sanctions](#)

### 10.1 GENERAL.

a. IN AN EMERGENCY: If a member of the University community believes that he or she, or someone else, is in immediate physical danger, he or she should call 911 or contact the Department of Public Safety, 335-5022.

b. In other situations: Appropriate University officials are available to coordinate a response to concerns of potential future violence or verbal threats, as indicated below.

(1) For student concerns, assistance is available through:

(a) the Office of the Vice President for Student Services, 249 Iowa Memorial Union, 335-3557, or

(b) the Department of Public Safety, 100 Public Safety, 335-5022.

(2) For faculty and staff concerns, assistance is available through:

(a) Faculty and Staff Services, 121-50 University Services Building, 335-2085, or

(b) the Department of Public Safety, 100 Public Safety, 335-5022.

(3) For any complaint believed to be related to sexual harassment or discrimination, assistance is available through the Office of Equal Opportunity and Diversity, 202 Jessup Hall, 335-0705.

[\[top\]](#)

**10.2 RATIONALE.**

The faculty, staff, and students of The University of Iowa make up a community whose common commitment is to learning. This commitment requires that the highest value be placed on the use of reason and that violence involving the University community be renounced as inimical to its goals. Violence, whether actual or threatened, destroys the mutual trust which must bind members of the community if they are to be successful in pursuing truth. The University therefore wishes to make clear that it considers acts and threats of violence to constitute serious violations of University policy, because they may undermine the University's status as a community of learning. By extension, the University forbids harassment which harms or demeans members of the community because of personal characteristics such as race, creed, color, national origin, age, sex, disability, sexual orientation, gender identity, or associational preference.

[\[top\]](#)

**10.3 SCOPE OF POLICY.**

a. Consistent with the rationale set out above, the University will take appropriate measures to address behavior by University community members which threatens or endangers the health, safety, or well-being of members of the University community. The University community is made up of all faculty, staff, and students.

b. While the University recognizes that there may be situations in which the University does not have a compelling reason for taking administrative action, it is prepared to review all alleged misconduct under this policy upon receipt of a complaint. This includes incidents which occur in family housing, tenant properties, and sorority and/or fraternity houses.

c. No member of the University community may engage in violent conduct as defined in II-10.4. The University assumes jurisdiction over cases of misconduct in violation of this policy when any act covered by II-10.4 occurs in one of these circumstances:

(1) the act is committed on the campus or at a University-sponsored activity;

(2) the act is committed by a University community member while acting in an official capacity or while conducting University business; or

(3) the act is committed anywhere by a University community member and can be shown to have a demonstrable, articulable, and adverse impact on a University process or some other clear and distinct interest of the University as an academic community.

d. The University is prepared to take action when violence or harassment has the purpose or effect of unreasonably interfering with an individual's work or educational performance. The University also is prepared to take action when violence or harassment has the purpose or effect of unjustifiably creating an intimidating or hostile environment for work or learning. Depending upon the seriousness of the conduct and its effects, the University's action may range from reprimanding the offender or requiring the offender to complete an educational or counseling program to suspending or discharging the offender from classes, extracurricular activities, and/or employment.

[\[top\]](#)

#### **10.4 PROHIBITED BEHAVIOR.**

These acts, when committed under one of the circumstances described in II-10.3 above, will trigger University action:

a. Any acts proscribed by the *Iowa Criminal Code*, Chapters 707 (Murder); 708 (Assault and Harassment); 709 (Sexual Abuse); and 711 (Robbery and Extortion); those sections of Chapter 710 which deal with kidnapping and false imprisonment; Chapter 712 (Arson); those acts under 713 (Burglary) when accompanied by an element of assault; Chapter 723.4 (1) and (3) (Disorderly Conduct); Chapter 729.4 (Infringement of Civil Rights in employment); and Chapter 729.5 (Infringement of Civil Rights by violence); or proscribed by *Iowa Administrative Code* or Regent rule (see especially Uniform Rules of Personal Conduct, IAC 681-9.1, and RPM 4.30B); or

b. Any conduct, such as those examples listed below, which has the purpose or reasonably foreseeable effect of unreasonably interfering with an individual's academic efforts, employment, participation in University-sponsored extracurricular activities, or personal health, safety, and security. The following examples are illustrative of the acts proscribed by this subsection, but are not meant to be exclusive:

- (1) physical assault or abuse;
- (2) sexual assault or abuse;
- (3) threats with a weapon (display of a weapon accompanied by statements or actions which cause justifiable fear or apprehension; see *Regents Policy Manual* 4.30B, which prohibits use or possession on the campus of dangerous weapons);
- (4) verbal or other threats of physical or sexual assault; and
- (5) damage or destruction of another's private property for the purpose of demeaning the owner or owners.

[\[top\]](#)

#### **10.5 OVERSIGHT OF POLICY.**

The University Committee on Human Rights will conduct an annual audit of violence within the University community and the adequacy of its Policy on Violence. In order to evaluate the University's response to complaints alleging violation of the policy, the committee will have access to all complaints collected by the central administration which allege conduct in violation of the policy as well as information regarding the disposition of each complaint. The committee's chair will prepare for its approval a report on this audit -- including a summary of complaints of violent conduct, an analysis of these aggregate statistics, and an evaluation of the enforcement process. The central administration will publish this annual report. Members of the committee are bound by the same requirements of confidentiality which bind University faculty and staff responsible for the disposition of complaints.

[\[top\]](#)

#### **10.6 PROTECTION FROM RETALIATION.**

All reasonable action will be taken to assure that the complainant and those testifying on behalf of the complainant suffer no retaliation as a result of reporting the incident or bringing the complaint. If the accused is a student, steps to avoid retaliation may include interim suspension from the University or interim suspension of the accused from the residence halls, a residence

hall room transfer, a no-contact order, or any combination of these sanctions. Similar measures shall be taken when the accused is a faculty or staff member.

[\[top\]](#)

### **10.7 BRINGING A COMPLAINT.**

If a member of the University community believes that he or she, or someone else, is in immediate physical danger, he or she should call 911 or contact the Department of Public Safety, 335-5022.

a. Complaint Procedures. Any person may file a complaint against a student, staff member, or faculty member (including teaching assistants) for violating the Policy on Violence. Depending upon the status of the person accused, a complaint should be filed with one of the following offices:

(1) Faculty or Instructor. If the accused is a faculty member, teaching assistant, or other instructor, complainants may contact the department chair, dean of the college, or the Office of the Executive Vice President and Provost;

(2) Staff Member. If the accused is a staff member (professional and scientific, organized merit staff, or non-organized merit staff), complainants may contact the accused person's supervisor or the vice president responsible for the unit employing the accused person;

(3) Student. If the accused is a student, complainants may contact University Housing in the event that incident occurred in the residence halls, or the Office of the Vice President for Student Services and Dean of Students.

(4) Regardless of the status of the person accused, if a complaint alleges violent conduct that may also violate the Policy on Sexual Harassment or the Policy on Human Rights, the complaint must be filed with the Office of Equal Opportunity and Diversity, 202 Jessup Hall.

b. Complaints reported under the Violence Policy that involve faculty and staff will be referred by the investigating office to the Behavior Risk Management Team (<http://www.uiowa.edu/~our/opmanual/ii/www.uiowa.edu/hr/fss/BRM/index.html>) to facilitate the University's assessment of any ongoing risk of violence, recommend interim measures that may need to be taken to protect the parties pending a full investigation, and coordinate the University's response to the complaint. Individuals may access the Behavior Risk Management Team through Faculty and Staff Services, 121-50 University Services Building.

c. Assistance for Persons Considering a Complaint. Persons who might want to bring a complaint or learn more about enforcement of the Policy on Violence may contact the Office of Equal Opportunity and Diversity, the Office of the Ombudsperson, or Faculty and Staff Services.

d. Resolving a Complaint. Ordinarily, the person who is assigned to resolve a complaint will interview the person accused in order to determine if there is a reasonable basis for the complaint. During the investigation process, the complaint may be resolved informally. The procedures used to resolve complaints informally may vary from department to department depending upon whether the accused is a faculty member, staff member, or student. In the event that the appropriate administrative official (as described

below) concludes that there is a reasonable basis for believing that the Policy on Violence was violated, and if an informal resolution of the complaint has not been achieved, formal action will be taken.

e. Persons Responsible for Formal Action Decisions and Governing Provisions. The decision to take formal action will be made by one of the following persons or their respective designees:

(1) Faculty. In cases involving faculty members, formal action decisions are made by the chief academic officer of the University. Governing procedures are the general Faculty Dispute Procedures ([III-29](#) and the following sections).

(2) Graduate Assistants, including Teaching Assistants. In cases involving graduate assistants, formal action decisions are made by the chief academic officer of the University. Governing procedure is the Graduate Assistant Dismissal Procedure ([III-12.4](#)).

(3) Professional and Scientific Staff. In cases involving professional and scientific staff members, formal action decisions are made by the vice president or Executive Vice President and Provost responsible for the unit employing the accused party. Governing appeal procedures are described in Grievance Procedures for Professional and Scientific Personnel ([III-28.4](#)).

(4) Organized Merit Staff. In cases involving organized merit staff members, formal action decisions are made by the vice president or Executive Vice President and Provost responsible for the unit employing the accused party. Governing appeal procedures are the grievance procedures described in the AFSCME contract.

(5) Non-organized Merit Staff. In cases involving non-organized merit staff members, formal action decisions are made by the vice president or Executive Vice President and Provost responsible for the unit employing the accused party. Governing appeal procedures are those available under the Regents' Merit System Rules ([III-31](#)).

(6) Students. In cases involving students, formal action decisions are made by the Vice President for Student Services and Dean of Students. The governing procedure is the *Judicial Procedure for Alleged Violations of the Code of Student Life* ([IV-1.1](#)).

[\[top\]](#)

## 10.8 REPORTING SYSTEM.

a. Complaints of violence and harassment will be collected by central administration from academic, non-academic, and personnel branches of the University. In addition, certain University officials and representatives of student organizations will be mandatory reporters. In the event that a personnel supervisor, department head, residence hall staff member, fraternity/sorority president, or athletic director or coach observes or receives information about conduct in violation of the Policy on Violence, he or she shall initiate the reporting process by informing his or her respective dean and director, if applicable, that behavior prohibited by the policy may have occurred. In all cases, reports

should be made in writing within seven working days upon receipt of the information, regardless of whether or not an investigation has been attempted or completed.

b. Reports from resident assistants shall be directed to the hall coordinator, with copies to the assistant director, Director of University Housing, and the Office of the Vice President for Student Services and Dean of Students. Reports from fraternity and sorority officers shall be directed to the campus programs Greek adviser, with a copy to the Office of the Vice President for Student Services and Dean of Students. Reports from athletic coaches or the associate athletic directors shall be made to the appropriate athletic director, with a copy to the Office of the Vice President for Student Services and Dean of Students. Personnel reports from immediate supervisors shall be directed to the department head, with a copy to the Office of the Senior Vice President for Finance and Operations. Reports from department chairpersons shall be directed to the dean of the college, with a copy to the Office of the Executive Vice President and Provost. The college dean will forward reports to the appropriate office for investigation.

c. Except in cases where a complaint alleges violent conduct that may also violate the Policy on Sexual Harassment or the Policy on Human Rights, which will be investigated by the Office of Equal Opportunity and Diversity, the following persons are responsible for investigating reports. When a student is accused of conduct in violation of the policy which occurs in a living unit, officials responsible for administering discipline in the living unit where the incident allegedly occurred will conduct the investigation. The Vice President for Student Services and Dean of Students will investigate complaints alleging off-campus student misconduct. When an employee or administrator is accused, the supervisor will conduct the investigation. When a faculty member or instructor is accused, the department chairperson is responsible for conducting the investigation. The Behavior Risk Management Team will assist in the investigation and management of violence complaints regarding faculty and staff. Complaints will be resolved and sanctions imposed, if any, under the standard procedures established for each respective unit, i.e., the residence halls disciplinary system, *Code of Student Life* (enforced by the Vice President for Student Services and Dean of Students), personnel discipline process, and faculty grievance procedures. The Greek Judicial Board, which hears charges against fraternities and sororities, may choose to remove a chapter's recognition as a result of a violation of the Policy on Violence.

d. The University administrator in charge of investigating the allegations described in the report shall submit a summary of the outcome of the investigation to the respective dean and, where applicable, the director within 45 days after the inception of the investigation. Annual statements, to be submitted by the director after the fall semester, will be prepared for the respective dean for purposes of summarizing the nature of reports of violence and harassment as well as their disposition.

e. A mandatory reporter shall file a report if there is good reason to believe that an incident occurred in violation of the Policy on Violence. In the event that the identity of the alleged assailant is not known or the identity of the apparent victim is not known, a report shall nonetheless be filed. Rumors and anonymous reports of alleged incidents shall be recorded as such.

f. The Vice President for Student Services and Dean of Students' annual report of student discipline shall include a separate analysis of complaints referred to the dean alleging violence. In addition, statistical information from semester reports by residence hall staff

members shall become part of University Housing's annual report. With assistance from the Office of University Relations, reasonable attempts will be made to inform the University community of statistics of violent incidents as well as sanctions imposed, using information from the Vice President for Student Services and Dean of Students' annual reports, statistics prepared by Equal Opportunity and Diversity, University Housing's annual report, public safety daily reports and periodic summaries, and information from the annual fraternity/sorority review.

[\[top\]](#)

#### **10.9 CREATIVE PROGRAMMING.**

a. Each semester, the Vice President for Student Services and Dean of Students shall call a meeting to consider creative means to communicate to students the University's intention to enforce the Policy on Violence as well as the rationale underlying the policy. The planning committee should consist of student services departments as well as student government leaders, including Campus Programs, Health Iowa, University Counseling Service, University Housing, Panhellenic Council, Associated Residence Halls, and University Student Assembly. In developing programs, the planning committee should consult with the Department of Public Safety, the Human Rights Committee, the Office of Equal Opportunity and Diversity, the Rape Victim Advocacy Program, and University disciplinary hearing officers. Programs could include, for example, a mock hearing in a fraternity, sorority, residence hall, or the Iowa Memorial Union.

b. The Office of the Executive Vice President and Provost is responsible for informing all current faculty members of the University Policy on Violence. Copies of the policy will be distributed to new faculty members as part of their orientation.

c. The Office of the Senior Vice President for Finance and Operations is responsible for informing current staff members of the University Policy on Violence. Copies of the policy will be distributed to new staff members as part of their orientation.

[\[top\]](#)

#### **10.10 FACTORS TO CONSIDER WHEN DETERMINING APPROPRIATE SANCTIONS.**

a. Violent behavior as defined by the policy constitutes a serious breach of University standards. Sanctions should reflect the seriousness of the breach. Moreover, those who are guilty of serious misconduct should bear the consequences of their actions, even if factors such as substance abuse or personal problems contribute to misconduct. In determining disciplinary sanctions for those found in violation of the Policy on Violence, it is appropriate to consider separation from the University even in cases of first offense, when the offense is serious. This should be true even when the student, staff member, or faculty member experiences remorse and did not intend to cause the resulting degree of harm.

b. In addition to taking disciplinary action, a person judged guilty of violating the policy may be referred for counseling. The University will establish a pool of professional consultants who, when called upon, will be responsible for recommending specific options based upon the misconduct. The professional consultant may recommend that the individual found in violation of the policy participate in a group counseling program, organized and operated in a fashion similar to chronic alcohol abuse discussion groups.



c. The administrator responsible for enforcing conduct regulations may choose to impose one or more educational sanctions upon an individual found in violation of the policy. In addition to the sanctions of written warning, probation, or suspension, the administrator may require the individual to participate in group counseling or personal therapy sessions, complete community service, enroll in a specific academic course, or attend an educational workshop. The counseling program may address a particular topic, such as sexual harassment, substance abuse, or impulse control. For example, less severe violations of the Policy on Violence may result in the offender being referred for education and training for impulse control. More serious violations may result in more serious sanctions, including the possibility of suspension or expulsion from the University.

d. Temporary sanctions invoked upon receipt of a complaint, such as a no-contact order or building prohibition order, may also be imposed as a permanent sanction. It is the responsibility of the administrator imposing sanctions to monitor compliance. More serious sanctions, including the possibility of suspension or termination of employment from the University, may be imposed in the event that the individual fails to attend a counseling session, for example, or violates a no-contact order.

e. Offenses should be treated as cumulative. Furthermore, the severity of additional violations becomes less important when determining a sanction for those charged on more than one occasion. For example, suspension or expulsion may be appropriate for a student who attempts to intimidate a person he or she has previously harmed, even if the means of intimidation are non-physical.

[\[top\]](#)

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Go forward one step to [II-11 Anti-Retaliation](#)

Or return to the Operations Manual [Table of Contents](#), [Index](#), or [Search](#)

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