

SUMMARY OF PROPOSED REVISIONS TO THE POLICIES ON SEXUAL HARASSMENT AND CONSENSUAL RELATIONSHIPS

This summary is intended to highlight the major revisions to the two policies named above. The overall goals were to strengthen and clarify the policies, as well as to update them to comply with recent legal and regulatory developments. For a detailed explanation of all proposed changes, please refer to the annotated versions of both policies.

Separation of the two Policies

The existing Policy on Sexual Harassment and Consensual Relationships has been separated into two distinct policies. This change has been made to reflect that the principles underlying the two policies are distinct. The prohibition of consensual relationships in the instructional context is based on the avoidance of conflicts of interest which are inherent in such relationships. While consensual relationships may lead to claims of sexual harassment, the prohibition of consensual relationships is not based on the prohibition of sexual harassment.

Proposed Revisions to the Policy on Sexual Harassment

The policy as revised will adopt the definition of sexual harassment that is used in the Code of Iowa. The Committee feels this language is more precise in defining what type of conduct constitutes sexual harassment. In addition, the revised definition includes conduct that occurs in on-campus living environments, and during on- or off-campus University sponsored activities. A statement regarding the First Amendment has been added to make clear that protected speech does not violate this policy. In general, the new section defining prohibited conduct has been strengthened and clarified.

The revised policy allows a complaint to be filed by third parties or by the University itself, so that situations may be investigated even when the “complainant” is reluctant or unwilling to file a complaint. Similarly, a complainant’s consent is no longer required for an investigation to be undertaken. In addition, any University official who becomes aware of sexual harassment will have a duty to report the situation to the Office of Affirmative Action, to enhance consistency in handling complaints.

A new section regarding confidentiality has been added to make clear what parties may expect of the University, and what the University expects of the parties, regarding confidentiality of a complaint, investigation, and finding.

Proposed Revisions to the Policy on Consensual Relationships

In general, the policy language was rewritten to provide both strength and clarity. The Rationale was rewritten with the goal of clarifying that the principle underlying this Policy is the avoidance of a conflict of interest which is inherent in such relationships. References to “amorous” relationships have been amended to “romantic and/or sexual” relationships to clarify what types of relationships are covered by the Policy. The differentiation between relationships that are prohibited and those that are discouraged also is clarified. In addition, the procedure for managing discouraged relationships that do arise is specified. A list of examples has been added to illustrate the application of the Policy in various situations.