Discrimination and Harassment

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Introduction

- Respect is the foundation for interchange of ideas, for learning and for working toward common
- goals. Consequently, Iowa State University is committed to assuring that its programs are free from
- prohibited discrimination and harassment based upon race, ethnicity, sex, pregnancy, color, religion,
- national origin, physical or mental disability, age (40 and over), marital status, sexual orientation,
- gender identity, genetic information, status as a U.S. veteran (disabled, Vietnam, or other), or any
- other status protected by university policy or local, state, or federal law. Discrimination and
- harassment impede the realization of the university's mission of distinction in education, scholarship,

and service, and diminish the whole community.

lowa State University reaffirms and emphasizes its commitment to provide a professional working

- and learning environment that is fair and responsible; that supports, nurtures, and rewards
- 43 educational and employment growth on the basis of relevant factors such as ability and
- performance; and that is free of discriminatory conduct or communication.

For these reasons, the university will not tolerate discrimination or harassment, as defined below,

- and is committed to preventing it or stopping it whenever it may occur at the university or in its
- 48 programs. The policy presented here applies to employees, students, visitors, applicants, or program
- 49 participants at Iowa State University. Students, however, should see the policy on Sexual

- 50 Misconduct, Sexual Assault, and Sexual Harassment Involving Students for specific information
- regarding their unique rights and responsibilities, including resources and complaint resolution
- 52 (see <u>Resources</u> below).

Policy Statement

1. Discrimination and Harassment Defined

lowa State University prohibits discrimination, which can include disparate treatment directed toward an individual or group of individuals based on race, ethnicity, sex, pregnancy, color, religion, national origin, physical or mental disability, age (40 and over), marital status, sexual orientation, gender identity, genetic information, status as a U.S veteran (disabled, Vietnam, or other), or other protected class, that adversely affects their employment or education. For religion or disability, the law allows employees and students to request reasonable accommodations to continue their work or studies.

lowa State University also prohibits harassment, which can be a form of discrimination if it is unwelcome and is sufficiently severe or pervasive and objectively offensive so as to substantially interfere with a person's work or education. Harassment may include, but is not limited to, threats, physical contact or violence, pranks, jokes, bullying, epithets, derogatory comments, vandalism, or verbal, graphic, or written conduct directed at an individual or individuals because of their race, ethnicity, sex, pregnancy, color, religion, national origin, physical or mental disability, age, marital status, sexual orientation, gender identity, genetic information, or U.S. veteran status. Even if actions are not directed at specific persons, a hostile environment may be created when the conduct is sufficiently severe or pervasive and objectively offensive so as to substantially interfere with or limit the ability of an individual to work, study, or otherwise to participate in activities of the university.

It is the university's goal to prevent the occurrence of discriminatory and harassing activity and to promptly stop such conduct. A determination as to whether discrimination or harassment has occurred will be based upon the context in which the alleged conduct occurs. For further discussion, see Section 3.4.

1.1. Sexual Harassment

Sexual harassment, in its legal definition, includes unwelcome sexual advances, requests to engage in sexual conduct, and other physical and expressive behavior of a sexual nature where (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education; (2) submission to or rejection of such conduct by an individual is used, or threatened or suggested to be used, as the basis for academic or employment decisions affecting the individual; or (3) such conduct creates a hostile, intimidating or demeaning environment that is sufficiently severe, pervasive and objectively offensive to substantially interfere with an individual's academic or professional performance. Determination as to whether the alleged conduct constitutes sexual harassment should take into consideration the totality of the circumstances, including the context in which the alleged incidents occurred.

Under this policy, sexual harassment can be verbal, visual, or physical. It can be overt, as in the suggestion that a person could get a higher grade or a raise in salary by submitting to sexual advances. The suggestion or the advance need not be direct or explicit--it can be implied from the conduct, circumstances, and relationships of the persons involved. Sexual harassment can also consist of persistent, unwelcome attempts to change a professional or academic relationship to a romantic or sexual one. It can range from unwelcome sexual expressions directed at individual persons or classes of people to serious physical abuses such as sexual assault. Examples could include, but are not limited to, unwelcome sexual advances; repeated and unwelcome sexually-oriented bullying, teasing, joking, or flirting; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess, or sexual deficiencies; leering, touching, pinching, or brushing against another's body; or displaying objects or pictures, including electronic images, which are sexual in nature and which create a hostile or offensive work, education, or living environment.

1.1.1. Consensual Relationships

Sexual, romantic, or intimate relationships between persons in an unequal power relationship that appear to be voluntary and welcome may nonetheless constitute sexual harassment under this definition. Relationships between faculty and subordinate faculty or staff, between a supervisor and those employees whom he or she supervises, or between a faculty member or teaching assistant and his or her student may give rise to legal and ethical concerns or to conflict between personal and professional interests. Although such a relationship may be viewed by the parties involved as consensual, that fact alone does not mean that no sexual harassment exists.

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In addition, such relationships can result in discrimination or harassment where (1) third parties are adversely affected in academic or employment matters because of a consensual relationship between others; (2) where a consensual relationship creates a hostile and intimidating work or learning environment for third parties; or (3) when a consensual relationship ends, and one of the parties continues behavior which the other party has made clear is now unwelcome.

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Supervisors, instructors, or mentors involved in such relationships have the obligation to remove themselves from the supervisory or mentoring relationship (see Faculty Handbook, §7.2.2.1.1.).

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1.2. Racial and Ethnic Harassment

Harassment that is directed at a person or group of persons because of race, color, ethnicity, or national origin is covered under this policy. Even if actions are not directed at specific persons, a hostile environment can be created when the conduct is sufficiently severe or pervasive and objectively offensive so as to substantially interfere with the person's work, education, or activities on campus.

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- 1.3. Harassment Based on Religion, Disability, Pregnancy, Age, Marital Status, Sexual Orientation,
- U.S. Veteran Status, or Other Protected Status
- Harassment that is directed at a person or group of persons because of any characteristic protected by this policy or local, state or federal law is also covered under this policy.

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133 1.4. Retaliation

- 134 Retaliation against an individual for making a complaint of discrimination or harassment, for resisting
- discrimination or harassment, or for otherwise using or participating in the informal or formal
- complaint resolution process, is a violation of university policy, and any such action is itself cause for
- 137 disciplinary action.

2. Complaint Resolution

- In an effort to prevent or stop discriminatory or harassing behavior, the university has adopted
- specific avenues through which an individual can make his or her complaint known. With issues of
- discrimination and harassment, it is important to identify and remedy the situation as soon as
- possible. For this reason, the university has adopted two complaint resolution mechanisms that
- employees may use to raise discrimination and harassment concerns informal and formal
- resolution. Claims of discrimination and harassment must be brought either as an informal complaint
- or a formal complaint to ensure that appropriate action can be taken right away. An informal
- complaint may, but need not be made before filing a formal complaint; however, once a formal
- complaint has reached resolution, the same complaint cannot be brought as an informal complaint.
- 148 Complaints by or against students, on the other hand, are handled differently. All complaints of
- discrimination or harassment by or against a student should be brought to the dean of students
- office. The policy on Sexual Misconduct, Sexual Assault, and Sexual Harassment Involving
- Students (see Resources below) contains information on support services for students during any complaint resolution process.

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To best remedy a situation, complainants are urged to promptly share concerns or complaints rather than risking their wellbeing or negatively affecting the university's ability to investigate their case due

to the passage of time and potential departure of witnesses. If a formal complaint contains incomplete information, the Office of Equal Opportunity (OEO) will promptly seek to gather the needed information from the complainant. In the event that such information is not furnished to the OEO within 30 days from the date of the request, the case may be closed. Consistent with federal regulations governing the filing of complaints, the OEO may decline to investigate claims in which none of the alleged discrimination or harassing action occurred within the preceding 300 days.

Any employee, student, visitor, applicant, or program participant of lowa State University may file a complaint alleging discrimination or harassment in violation of the university's policy prohibiting such conduct. In most cases, complaints against affiliates or contractors of lowa State University must first proceed through the affiliate or contractor before lowa State University may intervene. Information about the university's policy and resolution procedures may be found in several offices, including the dean of students office, the student counseling service, the women's center, the senior vice president and provost, the employee assistance program, and the OEO. As described below, the university has designated and trained certain individuals, called discrimination and harassment assistors, to assist a potentially injured person in deciding if and how to proceed and in carrying out that decision.

2.1. Informal Resolution

lowa State University has adopted an informal process through which non-student harassment and discrimination complaints may be resolved promptly and discreetly, often through communication, education, and/or mutual agreement. If informal resolution fails to resolve the matter either party may file a formal complaint with, or seek the assistance of the university's Office of Equal Opportunity (OEO). The implementation of this informal process is the responsibility of all central administrators, deans, directors, department chairs, supervisors, and managers - hereinafter referred to collectively as "supervisors" for purposes of this policy.

Under the informal process, the complainant must bring the complaint, either verbally or in writing, to a supervisor with authority over the person against whom the complaint is directed. Because it is often more efficient to resolve matters locally, bringing the informal complaint to a supervisor with immediate authority over the person is useful, but not required. If a complainant is not comfortable speaking with a supervisor, informal complaints may also be raised with the OEO. To ensure responsiveness and consistent application of this policy, the supervisor must notify the OEO when he or she receives an informal complaint. If the allegations reveal conduct of a severe or repetitive nature, the supervisor or the OEO may deem a formal investigation under section 2.2 to be warranted. The supervisor is expected to review the complaint and explore avenues for resolution with the complainant. With the complainant's consent, the supervisor may contact the accused person.

Because the OEO can provide assistance through this process, the supervisor is encouraged to consult with the OEO regarding alternatives for resolution. Options for informal resolution may include advising the complainant about methods to resolve the concern, arranging educational programs for individuals or departments, helping modify a work or study situation, mediating between the parties, or intervening or arranging for a third party to intervene. The informal process is not a formal investigation. A supervisor shall not impose discipline against an accused person as a result of the informal process without first consulting with the OEO, or in the case of a complaint against a faculty member, the office of the senior vice president and provost (SVPP).

Supervisors should attempt to resolve complaints expeditiously, but consistent with the severity or complexity of the matter. As a guideline, supervisors should attempt to complete the informal resolution process within three weeks after receipt of the complaint. To ensure responsiveness and consistent application of this policy, the supervisor must notify the OEO as to the resolution of the complaint.

In cases of complaints against members of the faculty, the faculty conduct policy provides for mediation by a third party to resolve the complaint when all parties agree. For more information, see the Faculty Handbook, Faculty Conduct Policy, Mediated Process (§7.2.4).

For purposes of annual reporting, the supervisor shall maintain a written record of the complaint and of the informal resolution process undertaken, taking care to preserve the privacy rights of both the complainant and the alleged offender.

2.2. Formal Resolution

A person who wishes to file a formal complaint must do so in writing as described below. Students should see the policy on Sexual Misconduct, Sexual Assault, and Sexual Harassment Involving Students (see Resources below)

2.2.1. Complaints Against Faculty Members

When a person chooses to file a formal complaint against a member of the faculty, he or she may file the written complaint with either the SVPP office or the OEO (see details in 2.2.2. below). In cases where the complainant files a complaint with the OEO, that office will notify the SVPP of the complaint within one business day and coordinate with the faculty review board, as required by the faculty conduct policy. The faculty review board will conduct its own investigation or work in conjunction with an investigator and make recommendations to the SVPP.

2.2.2. Complaints Against Others

A person who believes that she or he has been subjected to harassment or discrimination may file a formal complaint with the university's Office of Equal Opportunity (OEO). A formal complaint with the OEO involves completing an intake form and submitting a written, signed statement describing the incident or incidents as completely as possible. Specific guidelines for the submission of a complaint may be obtained from the OEO, and the complainant may visit with a staff member of that office prior to filing a formal complaint.

Once a complaint is filed with the Office of Equal Opportunity, it will be assessed and, if an investigation is warranted, the case will be assigned for investigation to a staff member or designee. A complaint against the president will be referred to the board of regents for investigation and disposition. The person against whom the complaint is filed will be notified. Each investigation will necessarily be different depending on the facts, circumstances, and witnesses. Generally, an investigation will include interviews with the complainant or complainants, with the person against whom the complaint has been brought, and with anyone else who might have information that would be helpful. Based on this investigation, the Office of Equal Opportunity and/or designated investigator will meet with the supervisor of the accused person to share findings and discuss appropriate action to resolve the complaint.

The supervisor to whom the Office of Equal Opportunity reported must notify that office as to whether he or she accepts the findings as well as what action, if any, has been or will be taken. If the unit administrator does not accept the findings of the Office of Equal Opportunity, then the Office of Equal Opportunity shall submit a written summary of the findings and recommendation to the appropriate vice president or SVPP, who shall in turn take whatever action he or she believes to be necessary to remedy the situation. Any disciplinary action shall be handled under the appropriate employee handbook.

The investigation by the Office of Equal Opportunity or designated investigator will be conducted expeditiously, but in a manner consistent with the complexity and severity of the matter and availability of witnesses. The Office of Equal Opportunity will attempt to complete its investigation and recommendation within forty-five days of initiation of the formal complaint if possible.

The Office of Equal Opportunity shall notify the complainant in writing of the result of the investigation. Any subsequent complaints or appeals external to the university shall be at the discretion of the complainant in accordance with the rules and timelines of the entity receiving the complaint or appeal (e.g., board of regents, lowa civil rights commission).

2.3.Office of Equal Opportunity Information Advisors

Because sexual harassment can be difficult to identify and understand, the university has designated persons on campus as information advisors to help anyone who believes she or he may have been subjected to discrimination and harassment including sexual harassment or who wishes to make an inquiry. Office of Equal Opportunity (OEO) information advisors are members of the university community who have received extensive discrimination and harassment training to act as information advisors on topics pertaining to discrimination and harassment, have general knowledge about applicable laws, university policies and procedures, options available for resolution of complaints, confidentiality requirements, act as educators and trainers, and assist students, faculty, and staff with concerns about discrimination and harassment. OEO information advisors are designated by the president, provost, senior vice presidents, deans, and/or other University administrators to serve as OEO information advisors representing their respective areas. Information advisors are a resource for information but are not responsible for investigating or resolving complaints. A list of designated discrimination and harassment assistors are available from the Office of Equal Opportunity.

2.4. Other Internal Grievances

Students and employees may have concerns or complaints about their academic or work settings that may not directly involve discrimination or harassment (e.g., grades, office assignment). As described below, the university has established internal grievance procedures to address concerns other than discrimination and harassment.

For Students

- Academic matters. Complaints related to academic matters may be filed in accordance with the
 policy on appeal of academic grievances found in the university catalog (see Resources below).
 Such complaints should be brought to the attention of the instructor or the department chair.
- Complaints against students. Complaints regarding misconduct by a student may be directed to the office of student conduct (OSC) in accordance with the student conduct code, published in the student disciplinary regulations.
 - Student employee grievances. Undergraduate student-employees may bring a grievance in accordance with the policy on undergraduate student-employee grievances (see Resources below).
- Student accommodation process. Students with disabilities who have concerns as to academic accommodations may also proceed informally by notifying Student Accessibility Services.

306 For Faculty and Staff

- Merit staff grievances. Complaints regarding terms of employment or working conditions may be brought by Merit staff in accordance with the grievance appeal procedure for the Merit system.
- Faculty and P&S grievances. Grievances of faculty and P&S employees may be brought in accordance with the provisions of the applicable employee handbook.

311 2.5. Title IX Coordinator

- The university has designated Margo Foreman, director of equal opportunity, as the <u>Title IX</u>
- coordinator to handle inquiries regarding non-discrimination and harassment policies and
- complaints. Questions or concerns may be directed to the Office of Equal Opportunity at 515-294-
- 7612, mrforema@iastate.edu, or in person at 3410 Beardshear Hall, Ames, IA 50011.

317	Deputy Title IX coordinators are:
318	Adrienne Lyles, Senior Deputy Title IX Coordinator
319	Associate Director of Equal Opportunity
320	3410 Beardshear Hall, Ames, IA 50011
321	Phone: 515-294-0044
322	Email: alyles@iastate.edu
323	Charles Small, Deputy Title IX Coordinator for Athletics
324	Senior Associate Director of Athletics
325	2157G Hixson Lied, Ames, IA 50011
326	Phone: 515-294-3662
327	Email: csmall@iastate.edu
328	Dawn Bratsch-Prince, Deputy Title IX Coordinator for Academic Affairs
329	Associate Provost
330	1550 Beardshear Hall, Ames, IA 50011
331	Phone: 515-294-6410
332	Email: deprince@iastate.edu
333	Monica Howard-Martin, Deputy Title IX Coordinator for Veterinary Medicine
334	Director of Student Programs
335	2270B Vet Med, Ames, IA 50011
336	Phone: 515-294-0391
337	Email: mohoward@iastate.edu
338	Sara Kellogg, Deputy Title IX Coordinator for Student Affairs
339	Assistant Dean and Director of Student Conduct
340	1010 Student Services Building, Ames, IA 50011
341	Phone: 515-294-1021
342	Email: skellogg@iastate.edu
343	Judith Strand, Deputy Title IX Coordinator for the Graduate College
	Program Coordinator II
344	1137 Pearson Building, Ames, IA 50011
345	Phone: 515-294-5285
346	
347	Email: jstrand@iastate.edu
348	Laura Bestler, Deputy Title IX Coordinator for Staff
349	CELT Program Coordinator II
350	3024 Morrill Hall, Ames IA 50011
351	Phone: 515-294-4533
352	Email: bestler@iastate.edu
353	3. Enforcement
354	3.1. Responsibilities of the University, Administrators, and Supervisors
355	lowa State Universityincluding its officers and its employeesis committed to maintaining a working
356	and learning environment free from discrimination and harassment. The administration will make
357	widely known that discrimination and harassment are prohibited both legally and by this policy, and
358	that appropriate procedures for dealing with allegations of discrimination or harassment are
359	available. Students, staff, faculty, and administrators should know that the university is concerned
360	about such behavior and is prepared to take preventive and corrective action.

University administrators and supervisors who do not respond to discrimination or harassment complaints brought to their attention are in violation of this policy. This policy identifies what an administrator/supervisor should do in the event he or she learns of a discrimination or harassment complaint. In addition, administrators and supervisors are strongly encouraged to seek assistance in the event they feel unequipped to address such a concern by contacting the Office of Equal Opportunity.

3.2. Confidentiality

Persons seeking general information or guidance about harassment or discrimination may be concerned about whether the information they share with another person will be confidential. Legal obligations may require the university to take some action once it is informed that harassment or discrimination may be occurring. Because of their positions of authority, certain university personnel-i.e., central administrators, deans, directors, department chairs, supervisors, and managers--are particularly obligated to take action when they receive a complaint of harassment or discrimination. Although the confidentiality of the information received and the privacy of the individuals involved cannot be guaranteed, they will be protected to as great an extent as is legally possible. The expressed wishes of the complainant regarding confidentiality will be considered in the context of the university's legal obligation to act upon the charge and the right of the charged party to be informed concerning the charge.

3.3. Sanctions

Employees found to have engaged in discrimination or harassment in violation of this policy are subject to appropriate discipline up to and including termination of employment. Students found to have engaged in discrimination or harassment in violation of this policy are subject to appropriate discipline up to and including dismissal. In cases where complaints are found to be baseless or frivolous, and where the accused individual consents, the university will take affirmative steps to restore the reputation of a person believed to be wrongly accused. Appropriateness of such action shall be based upon the nature of the investigation, the findings, and the reputational damage which may have occurred.

3.4. Academic Freedom and Freedom of Speech

Enforcement of this policy must respect the principles of academic freedom and the right of free speech. Therefore, in evaluating whether speech has become harassment as defined above, the following factors will be considered:

- Whether the speech is accompanied by gestures or other behavior that would cause a reasonable person to fear for his or her safety or that of another:
- Whether there is conduct or speech which indicates a discriminatory purpose;
- Whether the speech is made in a context where the recipient is in a position to avoid the speaker:
- Whether the speech is germane to an academic exercise and recognized as having pedagogical purpose;
- Whether the speech is made in a public forum on a matter of public concern, or otherwise in a context in which free debate is encouraged;
 - Whether the speech is directed toward specific individuals or a specific group of individuals;
 - Whether the speech is so severe as to amount to a crime under lowa law; and
 - Whether the speaker did or could anticipate that the speech would interfere with an individual's ability to continue to participate in university activities.

Findings about any one or more of these factors, however, will not result in a determination that an individual has engaged in "harassment" where the definitions in Section 1 are not otherwise met. When investigating conduct which includes scholarly discourse, the Office of Equal Opportunity will be cognizant of the provisions of the Faculty Handbook on scholarly discourse and germaneness.

- 418 3.5. Direct Institutional Action
- Even in the absence of a complaint, if university administrators, including the president, the SVPP,
- senior vice presidents, vice presidents, deans, department chairs, or directors, become aware of
- allegations of discrimination or harassment, they should inquire into, or seek assistance in inquiring
- into, allegations or behaviors that may be discriminatory or harassing in order to determine what
- action(s) are warranted. Appropriate procedures may include initiating an investigation. Supervisors
- needing assistance should consult with the Office of Equal Opportunity.

425 4. External Actions

- In addition to the university's channels, a person who believes that she or he has been subjected to
- discrimination or harassment may file a charge under the various jurisdictions of the lowa Civil
- Rights Commission, the Equal Employment Opportunity Commission, or the U.S. Office of Civil
- Rights. Information on filing charges with any of these agencies, including deadlines for doing so,
- may be obtained from each agency's website. (see links on the Office of Equal Opportunity website)

Resources

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- Discrimination and Harassment website
- Religious Accommodation Statement
- Student Accessibility Services (SAS) Accommodations
- Sexual Misconduct, Sexual Assault, and Sexual Harassment Involving Students
- Student Disciplinary Regulations §4.2.5 Prohibited Conduct
- Conduct Policy Faculty (FHB 7)
- University Catalog Appeal of Academic Grievances
- Grievance Procedures, Faculty (FHB 9)
- Grievance Policy, Undergraduate Student-Employees
- Non-Retaliation Policy
- Dean of Students Office
- Student Counseling Service
- Office of Equal Opportunity
- Office of Equal Opportunity Information Advisors
- Employee and Family Resources; Employee Assistance Program
- University Human Resources [UHR]
- Women's Center