

# 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.

Iowa 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 educational and employment growth on the basis of relevant factors such as ability and performance; and that is free of discriminatory, inappropriate, and disrespectful 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 programs. The policy presented here applies to employees, students, visitors, applicants, or program participants at Iowa State University. Students, however, should see the policy on *Sexual Misconduct, Sexual Assault, and Sexual Harassment Involving Students* for specific information regarding their unique rights and responsibilities, including resources and complaint resolution (see Resources below).

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## Policy Statement

### 1. Discrimination and Harassment Defined

Iowa 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.

Iowa State University also prohibits harassment, which can be a form of discrimination if it is unwelcome and is sufficiently severe or pervasive 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, 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, pervasive or persistent so as to unreasonably 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. While grounded in state and federal non-discrimination laws, this policy may cover those activities which, although not severe, persistent, or pervasive enough to meet the legal definition of harassment, are inappropriate and unjustified in an educational or work environment. This policy will be interpreted so as to avoid infringement upon First Amendment rights of free speech. The university must be mindful of the tradition of academic freedom that includes the free exchange of ideas inherent in an academic community. 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.

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### 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 has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating an intimidating, hostile, or demeaning employment or academic environment. 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 personal one. It can range from unwelcome sexual flirtations and inappropriate put-downs of 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 kidding, teasing, joking, or flirting; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess, or sexual deficiencies; derogatory or demeaning comments about women or men in general, whether sexual or not; 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.

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#### 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.

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.

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.).

### 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, persistent, or pervasive so as to substantially interfere with the person's work, education, or activities on campus.

### 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.

### 1.4. Retaliation

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 disciplinary action.

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## 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.

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.

To best remedy a situation, complainants are urged to promptly share concerns or complaints rather than risking their well being 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 will promptly seek to gather the needed information from the complainant. In the event that such information is not furnished to the Office of Equal Opportunity within 30 days from the date of the request, the case may be closed. Consistent with federal regulations governing the filing of complaints, the Office of Equal Opportunity 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 Iowa 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 Iowa State University must first proceed through the affiliate or contractor before Iowa 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 Employee Assistance Program, and the Office of Equal Opportunity. 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.

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### 2.1. Informal Resolution

Iowa 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 to the complainant's satisfaction, the complainant may file a formal complaint with, or seek the assistance of the university's Office of Equal Opportunity. 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 Office of Equal Opportunity. To ensure responsiveness and consistent application of this policy, the supervisor must notify the Office of Equal Opportunity when he or she receives an informal complaint. If the allegations reveal conduct of a severe or repetitive nature, the supervisor or the Office of Equal Opportunity 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 Office of Equal Opportunity can provide assistance through this process, the supervisor is encouraged to consult with the Office of Equal Opportunity 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 Office of Equal Opportunity, or in the case of a complaint against a faculty member, the Office of the Executive Vice President and Provost (EVPP).

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 Office of Equal Opportunity 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.

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## 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 EVPP Office or the Office of Equal Opportunity (see details in 2.2.2. below). In cases where the complainant files a complaint with the Office of Equal Opportunity, that office will notify the EVPP 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 EVPP.

### 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. A formal complaint with the Office of Equal Opportunity 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 Office of Equal Opportunity, 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 EVPP, 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 policy.[iastate.edu/policy/discrimination/](http://iastate.edu/policy/discrimination/)

entity receiving the complaint or appeal (e.g., Board of Regents, Iowa Civil Rights Commission).

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### 2.3. Discrimination and Harassment Assistors

Because sexual harassment can be difficult to identify and understand, the university has designated persons on campus as assistors to help anyone who believes she or he may have been subjected to sexual harassment or who wishes to make an inquiry concerning sexual harassment. Assistors are specifically trained about university policies and procedures and about options and strategies available for the resolution of complaints. Assistors are resources for information but they are not responsible for investigating or resolving complaints - the ultimate responsibility for making an informal or formal complaint lies with the complainant. An assistor can accompany the complainant to resolution meetings or sessions if requested by the complainant, but the assistor does not function as a spokesperson, nor does the assistor act on behalf of the complainant. Lists 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. 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 Judicial Affairs in accordance with the Student Conduct Code, published in the Student Disciplinary Regulations.
- Student Employee Grievances. Student employees may bring a student employment grievance in accordance with the procedures set forth by Human Resource Services.
- Student Accommodation Process. Students with disabilities who have concerns as to academic accommodations may also proceed informally by notifying Disability Resources.

#### 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.

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## 3. Enforcement

### 3.1. Responsibilities of the University, Administrators, and Supervisors

Iowa State University—including its officers and its employees—is committed to maintaining a working and learning environment free from discrimination and harassment. The administration will make widely known that discrimination and harassment are prohibited both legally and by this policy, and that appropriate procedures for dealing with allegations of discrimination or harassment are available. Students, staff, faculty, and administrators should know that the university is concerned 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. While the university is eager to create a safe environment in which individuals can be unafraid to discuss concerns and make complaints, 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.

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### 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, the following factors will be considered:

- The tone of voice, gestures and behavior of the speaker;
- Whether there is conduct or speech which indicates a discriminatory purpose or a constructive 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 by peers as a legitimate topic or way of presenting academic material;
- 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;
- The degree to which the expression was necessary to the discussion of the subject matter;
- Whether the speech is so severe as to amount to a crime under Iowa law; and
- Whether the speaker did or could anticipate that the speech would intimidate or interfere with an individual's ability to continue to participate in university activities.

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.

### 3.5. Direct Institutional Action

Even in the absence of a complaint, if university administrators, including the president, the EVPP, 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.

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## 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 Iowa 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

- [Conduct Policy - Faculty](#)
- [Dean of Students Office](#)
- [Disability Resources - Student](#)
- [Disability or Religion, Procedures for Requesting Accommodations for](#)
- [Discrimination and Harassment Assistors](#)
- [Employee Assistance Program](#)
- [Grievance Procedures - Faculty](#)
- [Grievances and Appeals - Merit System, 681 IAC 3.127-3.129](#)
- [Human Resource Services \[HRS\]](#)
- [Non-Discrimination and Affirmative Action Statement \[PDF\]](#)
- [Non-Retaliation Policy](#)
- [Office of Equal Opportunity](#)
- [Religious Accommodation Statement](#)
- [Sexual Misconduct, Sexual Assault, and Sexual Harassment Involving Students](#)
- [Student Counseling Service](#)
- [Student Disciplinary Regulations 4.2.5 - Sexual Misconduct, Sexual Assault and Sexual Harassment](#)

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- [Student Disciplinary Regulations 4.2.7 Harassment and Discriminatory Harassment](#)
- [Student Disciplinary Regulations 4.2.9 - Disruption of Rights](#)
- [University Catalog](#)
- [Women's Center](#)

**IOWA STATE UNIVERSITY**  
***Becoming the best.***

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