

Discrimination and Harassment

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Contact: [Office of Equal Opportunity \(OEO\)](#)

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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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53 Policy Statement

54 1. Discrimination and Harassment Defined

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

61
62 Iowa State University also prohibits harassment, which can be a form of discrimination if it is unwelcome
63 and is sufficiently severe or pervasive and objectively offensive so as to substantially interfere with a
64 person's work or education. Harassment may include, but is not limited to, threats, physical contact or
65 violence, pranks, jokes, bullying, epithets, derogatory comments, vandalism, or verbal, graphic, or written
66 conduct directed at an individual or individuals because of their race, ethnicity, sex, pregnancy, color,
67 religion, national origin, physical or mental disability, age, marital status, sexual orientation, gender
68 identity, genetic information, or U.S. veteran status. Even if actions are not directed at specific persons, a
69 hostile environment may be created when the conduct is sufficiently severe or pervasive and objectively
70 offensive so as to substantially interfere with or limit the ability of an individual to work, study, or
71 otherwise to participate in activities of the university.

72
73 It is the university's goal to prevent the occurrence of discriminatory and harassing activity and to
74 promptly stop such conduct. While grounded in state and federal non-discrimination laws, this policy may
75 cover those activities which, although not severe, persistent, or pervasive enough to meet the legal
76 definition of harassment, are unacceptable and not tolerated in an educational or work environment. This
77 policy will be interpreted so as to avoid infringement upon First Amendment rights of free speech. The
78 university must be mindful of the tradition of academic freedom that includes the free exchange of ideas
79 inherent in an academic community. A determination as to whether discrimination or harassment has
80 occurred will be based upon the context in which the alleged conduct occurs. For further discussion, see
81 Section 3.4.

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83 84 1.1. Sexual Harassment

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

94
95 Under this policy, sexual harassment can be verbal, visual, or physical. It can be overt, as in the
96 suggestion that a person could get a higher grade or a raise in salary by submitting to sexual advances.
97 The suggestion or the advance need not be direct or explicit--it can be implied from the conduct,
98 circumstances, and relationships of the persons involved. Sexual harassment can also consist of persistent,
99 unwelcome attempts to change a professional or academic relationship to a personal one. It can range
100 from unwelcome sexual flirtations and inappropriate put-downs of individual persons or classes of people
101 to serious physical abuses such as sexual assault. Examples could include, but are not limited to,
102 unwelcome sexual advances; repeated and unwelcome sexually-oriented bullying, teasing, joking, or
103 flirting; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess, or

104 sexual deficiencies; derogatory or demeaning comments about women or men in general, whether sexual
105 or not; leering, touching, pinching, or brushing against another's body; or displaying objects or pictures,
106 including electronic images, which are sexual in nature and which create a hostile or offensive work,
107 education, or living environment.

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109

110 1.1.1. Consensual Relationships

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

118

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

124

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

127

128 1.2. Racial and Ethnic Harassment

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

133

134 1.3. Harassment Based on Religion, Disability, Pregnancy, Age, Marital Status, Sexual Orientation, U.S. 135 Veteran Status, or Other Protected Status

136 Harassment that is directed at a person or group of persons because of any characteristic protected by this
137 policy or local, state or federal law is also covered under this policy.

138

139 1.4. Retaliation

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

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145 **2. Complaint Resolution**

146 In an effort to prevent or stop discriminatory or harassing behavior, the university has adopted specific
147 avenues through which an individual can make his or her complaint known. With issues of discrimination
148 and harassment, it is important to identify and remedy the situation as soon as possible. For this reason,
149 the university has adopted two complaint resolution mechanisms that employees may use to raise
150 discrimination and harassment concerns - informal and formal resolution. Claims of discrimination and
151 harassment must be brought either as an informal complaint or a formal complaint to ensure that
152 appropriate action can be taken right away. An informal complaint may, but need not be made before
153 filing a formal complaint; however, once a formal complaint has reached resolution, the same complaint
154 cannot be brought as an informal complaint.

155 Complaints by or against students, on the other hand, are handled differently. All complaints of
156 discrimination or harassment by or against a student should be brought to the Dean of Students Office.
157 The policy on *Sexual Misconduct, Sexual Assault, and Sexual Harassment Involving Students* (see
158 Resources below) contains information on support services for students during any complaint resolution
159 process.

160

161 To best remedy a situation, complainants are urged to promptly share concerns or complaints rather than
162 risking their well being or negatively affecting the university's ability to investigate their case due to the
163 passage of time and potential departure of witnesses. If a formal complaint contains incomplete
164 information, the Office of Equal Opportunity (OEO) will promptly seek to gather the needed information
165 from the complainant. In the event that such information is not furnished to the OEO within 30 days from
166 the date of the request, the case may be closed. Consistent with federal regulations governing the filing of
167 complaints, the OEO may decline to investigate claims in which none of the alleged discrimination or
168 harassing action occurred within the preceding 300 days.

169

170 Any employee, student, visitor, applicant, or program participant of Iowa State University may file a
171 complaint alleging discrimination or harassment in violation of the university's policy prohibiting such
172 conduct. In most cases, complaints against affiliates or contractors of Iowa State University must first
173 proceed through the affiliate or contractor before Iowa State University may intervene. Information about
174 the university's policy and resolution procedures may be found in several offices, including the Dean of
175 Students Office, the Student Counseling Service, the Women's Center, the Senior Vice President and
176 Provost, the Employee Assistance Program, and the OEO. As described below, the university has
177 designated and trained certain individuals, called discrimination and harassment assistors, to assist a
178 potentially injured person in deciding if and how to proceed and in carrying out that decision.

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180

181 2.1. Informal Resolution

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

189

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

200

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

209
210 Supervisors should attempt to resolve complaints expeditiously, but consistent with the severity or
211 complexity of the matter. As a guideline, supervisors should attempt to complete the informal resolution
212 process within three weeks after receipt of the complaint. To ensure responsiveness and consistent
213 application of this policy, the supervisor must notify the OEO as to the resolution of the complaint.
214

215 In cases of complaints against members of the faculty, the Faculty Conduct Policy provides for mediation
216 by a third party to resolve the complaint when all parties agree. For more information, see the Faculty
217 Handbook, Faculty Conduct Policy, Mediated Process (§7.2.4).
218

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

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223 224 2.2. Formal Resolution

225 A person who wishes to file a formal complaint must do so in writing as described below. Students should
226 see the policy on *Sexual Misconduct, Sexual Assault, and Sexual Harassment Involving Students* (see
227 Resources below)
228

229 2.2.1. Complaints Against Faculty Members

230 When a person chooses to file a formal complaint against a member of the faculty, he or she may file the
231 written complaint with either the SVPP Office or the OEO (see details in 2.2.2. below). In cases where the
232 complainant files a complaint with the OEO, that office will notify the SVPP of the complaint within one
233 business day and coordinate with the Faculty Review Board, as required by the Faculty Conduct Policy.
234 The Faculty Review Board will conduct its own investigation or work in conjunction with an investigator
235 and make recommendations to the SVPP.
236

237 2.2.2. Complaints Against Others

238 A person who believes that she or he has been subjected to harassment or discrimination may file a formal
239 complaint with the university's Office of Equal Opportunity (OEO). A formal complaint with the OEO
240 involves completing an intake form and submitting a written, signed statement describing the incident or
241 incidents as completely as possible. Specific guidelines for the submission of a complaint may be
242 obtained from the OEO, and the complainant may visit with a staff member of that office prior to filing a
243 formal complaint.
244

245 Once a complaint is filed with the Office of Equal Opportunity, it will be assessed and, if an investigation
246 is warranted, the case will be assigned for investigation to a staff member or designee. A complaint
247 against the President will be referred to the Board of Regents for investigation and disposition. The
248 person against whom the complaint is filed will be notified. Each investigation will necessarily be
249 different depending on the facts, circumstances, and witnesses. Generally, an investigation will include
250 interviews with the complainant or complainants, with the person against whom the complaint has been
251 brought, and with anyone else who might have information that would be helpful. Based on this
252 investigation, the Office of Equal Opportunity and/or designated investigator will meet with the
253 supervisor of the accused person to share findings and discuss appropriate action to resolve the complaint.
254

255 The supervisor to whom the Office of Equal Opportunity reported must notify that office as to whether he
256 or she accepts the findings as well as what action, if any, has been or will be taken. If the unit
257 administrator does not accept the findings of the Office of Equal Opportunity, then the Office of Equal
258 Opportunity shall submit a written summary of the findings and recommendation to the appropriate vice
259 president or SVPP, who shall in turn take whatever action he or she believes to be necessary to remedy
260 the situation. Any disciplinary action shall be handled under the appropriate employee handbook.
261
262

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

267
268 The Office of Equal Opportunity shall notify the complainant in writing of the result of the investigation.
269 Any subsequent complaints or appeals external to the university shall be at the discretion of the
270 complainant in accordance with the rules and timelines of the entity receiving the complaint or appeal
271 (e.g., Board of Regents, Iowa Civil Rights Commission).

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274 2.3. Office of Equal Opportunity Information Advisors

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

288

289 2.4. Other Internal Grievances

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

294

295 For Students

- 296 • Academic Matters. Complaints related to academic matters may be filed in accordance with the
297 policy on Appeal of Academic Grievances found in the University Catalog. Such complaints
298 should be brought to the attention of the instructor or the department chair.
- 299 • Complaints Against Students. Complaints regarding misconduct by a student may be directed to
300 the Office of Judicial Affairs in accordance with the Student Conduct Code, published in the
301 Student Disciplinary Regulations.
- 302 • Student Employee Grievances. Undergraduate student-employees may bring a grievance in
303 accordance with the policy on Undergraduate Student-Employee Grievances (see Resources
304 below).
- 305 • Student Accommodation Process. Students with disabilities who have concerns as to academic
306 accommodations may also proceed informally by notifying Disability Resources.

307 For Faculty and Staff

- 308 • Merit Staff Grievances. Complaints regarding terms of employment or working conditions may
309 be brought by merit staff in accordance with the Grievance Appeal Procedure for the Merit
310 System.

- 311 • Faculty and P&S Grievances. Grievances of faculty and P&S employees may be brought in
312 accordance with the provisions of the applicable employee handbook.

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314 2.5. Title IX Coordinator

315 The university has designated Robinette Kelley, director of Equal Opportunity, as the Title IX
316 Coordinator to handle inquiries regarding non-discrimination and harassment policies and complaints.
317 Questions or concerns may be directed to 515-294-7612, or in person at 3350 Beardshear Hall, Ames, IA
318 50011.

319 Deputy Title IX Coordinators are:

320 - Dawn Bratsch-Prince, Associate Provost, 515-294-6410

321 - Sara Kellogg, Dean of Students office, 515-294-1023

322 - Calli Sanders, Athletics Department, 515-294-3706

323 3. Enforcement

324 3.1. Responsibilities of the University, Administrators, and Supervisors

325 Iowa State University--including its officers and its employees--is committed to maintaining a working
326 and learning environment free from discrimination and harassment. The administration will make widely
327 known that discrimination and harassment are prohibited both legally and by this policy, and that
328 appropriate procedures for dealing with allegations of discrimination or harassment are available.
329 Students, staff, faculty, and administrators should know that the university is concerned about such
330 behavior and is prepared to take preventive and corrective action.

331
332 University administrators and supervisors who do not respond to discrimination or harassment complaints
333 brought to their attention are in violation of this policy. This policy identifies what an
334 administrator/supervisor should do in the event he or she learns of a discrimination or harassment
335 complaint. In addition, administrators and supervisors are strongly encouraged to seek assistance in the
336 event they feel unequipped to address such a concern by contacting the Office of Equal Opportunity.

337 338 3.2. Confidentiality

339 Persons seeking general information or guidance about harassment or discrimination may be concerned
340 about whether the information they share with another person will be confidential. While the university is
341 eager to create a safe environment in which individuals can be unafraid to discuss concerns and make
342 complaints, legal obligations may require the university to take some action once it is informed that
343 harassment or discrimination may be occurring. Because of their positions of authority, certain university
344 personnel--i.e., central administrators, deans, directors, department chairs, supervisors, and managers--are
345 particularly obligated to take action when they receive a complaint of harassment or discrimination.
346 Although the confidentiality of the information received and the privacy of the individuals involved
347 cannot be guaranteed, they will be protected to as great an extent as is legally possible. The expressed
348 wishes of the complainant regarding confidentiality will be considered in the context of the university's
349 legal obligation to act upon the charge and the right of the charged party to be informed concerning the
350 charge.

351 352 3.3. Sanctions

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

359 investigation, the findings, and the reputational damage which may have occurred.

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362 3.4. Academic Freedom and Freedom of Speech

363 Enforcement of this policy must respect the principles of academic freedom and the right of free speech.

364 Therefore, in evaluating whether speech has become harassment, the following factors will be considered:

- 365 • The tone of voice, gestures and behavior of the speaker;
- 366 • Whether there is conduct or speech which indicates a discriminatory purpose or a constructive
367 purpose;
- 368 • Whether the speech is made in a context where the recipient is in a position to avoid the speaker;
- 369 • Whether the speech is germane to an academic exercise and recognized by peers as a legitimate
370 topic or way of presenting academic material;
- 371 • Whether the speech is made in a public forum on a matter of public concern, or otherwise in a
372 context in which free debate is encouraged;
- 373 • Whether the speech is directed toward specific individuals or a specific group of individuals;
- 374 • The degree to which the expression was necessary to the discussion of the subject matter;
- 375 • Whether the speech is so severe as to amount to a crime under Iowa law; and
- 376 • Whether the speaker did or could anticipate that the speech would intimidate or interfere with an
377 individual's ability to continue to participate in university activities.

378 When investigating conduct which includes scholarly discourse, the Office of Equal Opportunity will be
379 cognizant of the provisions of the Faculty Handbook on Scholarly Discourse and Germaneness.

380

381 3.5. Direct Institutional Action

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

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389 4. External Actions

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

395 Resources

- 396 • [Discrimination and Harassment website](#)
- 397 • [Religious Accommodation Statement](#)
- 398 • [Student Disability Resources - Accommodations](#)
- 399 • [Sexual Misconduct, Sexual Assault, and Sexual Harassment Involving Students](#)
- 400 • [Student Disciplinary Regulations 4.2.5 - Sexual Misconduct, Sexual Assault and Sexual
401 Harassment](#)
- 402 • [Student Disciplinary Regulations 4.2.7 - Harassment and Discriminatory Harassment](#)
- 403 • [Student Disciplinary Regulations 4.2.9 - Disruption of Rights](#)
- 404 • [Conduct Policy - Faculty \(FHB 7\)](#)

- 405 • [Grievance Procedures, Faculty \(FHB 9\)](#)
- 406 • [Grievance Management, Non-Faculty](#)
- 407 • [Grievance Policy, Undergraduate Student-Employees](#)
- 408 • [Non-Retaliation Policy](#)
- 409 • [Dean of Students Office](#)
- 410 • [Student Counseling Service](#)
- 411 • [Office of Equal Opportunity](#)
- 412 • [Office of Equal Opportunity Information Advisors](#)
- 413 • [Employee and Family Resources; Employee Assistance Program](#)
- 414 • [University Human Resources \[UHR\]](#)
- 415 • [Women's Center](#)
- 416 • [University Catalog](#)
- 417 • [AFSCME Contract and Other Merit Information](#)

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