

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 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
51 regarding their unique rights and responsibilities, including resources and complaint resolution
52 (see [Resources](#) below).
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54 **Policy Statement**

55 **1. Discrimination and Harassment Defined**

56 Iowa State University prohibits discrimination, which can include disparate treatment directed toward
57 an individual or group of individuals based on race, ethnicity, sex, pregnancy, color, religion, national
58 origin, physical or mental disability, age (40 and over), marital status, sexual orientation, gender
59 identity, genetic information, status as a U.S. veteran (disabled, Vietnam, or other), or other protected
60 class, that adversely affects their employment or education. For religion or disability, the law allows
61 employees and students to request reasonable accommodations to continue their work or studies.
62

63 Iowa State University also prohibits harassment, which can be a form of discrimination if it is
64 unwelcome and is sufficiently severe or pervasive and objectively offensive so as to substantially
65 interfere with a person's work or education. Harassment may include, but is not limited to, threats,
66 physical contact or violence, pranks, jokes, bullying, epithets, derogatory comments, vandalism, or
67 verbal, graphic, or written conduct directed at an individual or individuals because of their race,
68 ethnicity, sex, pregnancy, color, religion, national origin, physical or mental disability, age, marital
69 status, sexual orientation, gender identity, genetic information, or U.S. veteran status. Even if actions
70 are not directed at specific persons, a hostile environment may be created when the conduct is
71 sufficiently severe or pervasive and objectively offensive so as to substantially interfere with or limit
72 the ability of an individual to work, study, or otherwise to participate in activities of the university.
73

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

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79

80 **1.1. Sexual Harassment**

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

91
92 Under this policy, sexual harassment can be verbal, visual, or physical. It can be overt, as in the
93 suggestion that a person could get a higher grade or a raise in salary by submitting to sexual
94 advances. The suggestion or the advance need not be direct or explicit--it can be implied from the
95 conduct, circumstances, and relationships of the persons involved. Sexual harassment can also
96 consist of persistent, unwelcome attempts to change a professional or academic relationship to a
97 romantic or sexual one. It can range from unwelcome sexual expressions directed at individual
98 persons or classes of people to serious physical abuses such as sexual assault. Examples could

99 include, but are not limited to, unwelcome sexual advances; repeated and unwelcome sexually-
100 oriented bullying, teasing, joking, or flirting; verbal abuse of a sexual nature; commentary about an
101 individual's body, sexual prowess, or sexual deficiencies; leering, touching, pinching, or brushing
102 against another's body; or displaying objects or pictures, including electronic images, which are
103 sexual in nature and which create a hostile or offensive work, education, or living environment.

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105

106 1.1.1. Consensual Relationships

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

114

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

120

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

123

124 1.2. Racial and Ethnic Harassment

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

130

131 1.3. Harassment Based on Religion, Disability, Pregnancy, Age, Marital Status, Sexual Orientation, 132 U.S. Veteran Status, or Other Protected Status

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

135

136 1.4. Retaliation

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

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142

142 2. Complaint Resolution

143 In an effort to prevent or stop discriminatory or harassing behavior, the university has adopted
144 specific avenues through which an individual can make his or her complaint known. With issues of
145 discrimination and harassment, it is important to identify and remedy the situation as soon as
146 possible. For this reason, the university has adopted two complaint resolution mechanisms that
147 employees may use to raise discrimination and harassment concerns - informal and formal
148 resolution. Claims of discrimination and harassment must be brought either as an informal complaint
149 or a formal complaint to ensure that appropriate action can be taken right away. An informal

150 complaint may, but need not be made before filing a formal complaint; however, once a formal
151 complaint has reached resolution, the same complaint cannot be brought as an informal complaint.

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

157
158 To best remedy a situation, complainants are urged to promptly share concerns or complaints rather
159 than risking their wellbeing or negatively affecting the university's ability to investigate their case due
160 to the passage of time and potential departure of witnesses. If a formal complaint contains
161 incomplete information, the Office of Equal Opportunity (OEO) will promptly seek to gather the
162 needed information from the complainant. In the event that such information is not furnished to the
163 OEO within 30 days from the date of the request, the case may be closed. Consistent with federal
164 regulations governing the filing of complaints, the OEO may decline to investigate claims in which
165 none of the alleged discrimination or harassing action occurred within the preceding 300 days.

166
167 Any employee, student, visitor, applicant, or program participant of Iowa State University may file a
168 complaint alleging discrimination or harassment in violation of the university's policy prohibiting such
169 conduct. In most cases, complaints against affiliates or contractors of Iowa State University must first
170 proceed through the affiliate or contractor before Iowa State University may intervene. Information
171 about the university's policy and resolution procedures may be found in several offices, including the
172 dean of students office, the student counseling service, the women's center, the senior vice
173 president and provost, the employee assistance program, and the OEO. As described below, the
174 university has designated and trained certain individuals, called discrimination and harassment
175 assistants, to assist a potentially injured person in deciding if and how to proceed and in carrying out
176 that decision.

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178 179 2.1. Informal Resolution

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

187
188 Under the informal process, the complainant must bring the complaint, either verbally or in writing, to
189 a supervisor with authority over the person against whom the complaint is directed. Because it is
190 often more efficient to resolve matters locally, bringing the informal complaint to a supervisor with
191 immediate authority over the person is useful, but not required. If a complainant is not comfortable
192 speaking with a supervisor, informal complaints may also be raised with the OEO. To ensure
193 responsiveness and consistent application of this policy, the supervisor must notify the OEO when
194 he or she receives an informal complaint. If the allegations reveal conduct of a severe or repetitive
195 nature, the supervisor or the OEO may deem a formal investigation under section 2.2 to be
196 warranted. The supervisor is expected to review the complaint and explore avenues for resolution
197 with the complainant. With the complainant's consent, the supervisor may contact the accused
198 person.

199
200 Because the OEO can provide assistance through this process, the supervisor is encouraged to
201 consult with the OEO regarding alternatives for resolution. Options for informal resolution may

202 include advising the complainant about methods to resolve the concern, arranging educational
203 programs for individuals or departments, helping modify a work or study situation, mediating
204 between the parties, or intervening or arranging for a third party to intervene. The informal process is
205 not a formal investigation. A supervisor shall not impose discipline against an accused person as a
206 result of the informal process without first consulting with the OEO, or in the case of a complaint
207 against a faculty member, the office of the senior vice president and provost (SVPP).
208

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

215 In cases of complaints against members of the faculty, the faculty conduct policy provides for
216 mediation by a third party to resolve the complaint when all parties agree. For more information, see
217 the Faculty 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
220 of 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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224 2.2. Formal Resolution

225 A person who wishes to file a formal complaint must do so in writing as described below. Students
226 should see the policy on *Sexual Misconduct, Sexual Assault, and Sexual Harassment Involving*
227 *Students* (see 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
231 file the written complaint with either the SVPP office or the OEO (see details in 2.2.2. below). In
232 cases where the complainant files a complaint with the OEO, that office will notify the SVPP of the
233 complaint within one business day and coordinate with the faculty review board, as required by the
234 faculty conduct policy. The faculty review board will conduct its own investigation or work in
235 conjunction with an investigator 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
239 formal complaint with the university's Office of Equal Opportunity (OEO). A formal complaint with the
240 OEO involves completing an intake form and submitting a written, signed statement describing the
241 incident or incidents as completely as possible. Specific guidelines for the submission of a complaint
242 may be obtained from the OEO, and the complainant may visit with a staff member of that office
243 prior to filing a formal complaint.
244

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

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

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

268
269 The Office of Equal Opportunity shall notify the complainant in writing of the result of the
270 investigation. Any subsequent complaints or appeals external to the university shall be at the
271 discretion of the complainant in accordance with the rules and timelines of the entity receiving the
272 complaint or appeal (e.g., board of regents, Iowa civil rights commission).

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274 275 2.3. Office of Equal Opportunity Information Advisors

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

290 291 2.4. Other Internal Grievances

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

296 297 For Students

- 298
- 299 • Academic matters. Complaints related to academic matters may be filed in accordance with the
300 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.
 - 301 • Complaints against students. Complaints regarding misconduct by a student may be directed to
302 the office of student conduct (OSC) in accordance with the student conduct code, published in
303 the student disciplinary regulations.
 - 304 • Student employee grievances. Undergraduate student-employees may bring a grievance in
305 accordance with the policy on undergraduate student-employee grievances (see Resources
306 below).

- 307 • Student accommodation process. Students with disabilities who have concerns as to academic
308 accommodations may also proceed informally by notifying Student Accessibility Services.

309 For Faculty and Staff

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

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315 2.5. Title IX Coordinator

316 The university has designated Margo Foreman, director of equal opportunity, as the [Title IX](#)
317 [coordinator](#) to handle inquiries regarding non-discrimination and harassment policies and
318 complaints. Questions or concerns may be directed to the Office of Equal Opportunity at 515-294-
319 7612, mrforema@iastate.edu, or in person at 3410 Beardshear Hall, Ames, IA 50011.

320 Deputy Title IX coordinators are:

- 321 - Dawn Bratsch-Prince, associate provost, 515-294-6410
322 - Sara Kellogg, dean of students office, 515-294-1023
323 - Calli Sanders, athletics department, 515-294-3706
324 - Judith Strand, Graduate College, 515-294-5285

325 **3. Enforcement**

326 3.1. Responsibilities of the University, Administrators, and Supervisors

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

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

340
341 3.2. Confidentiality
342 Persons seeking general information or guidance about harassment or discrimination may be
343 concerned about whether the information they share with another person will be confidential. Legal
344 obligations may require the university to take some action once it is informed that harassment or
345 discrimination may be occurring. Because of their positions of authority, certain university personnel--
346 -i.e., central administrators, deans, directors, department chairs, supervisors, and managers--are
347 particularly obligated to take action when they receive a complaint of harassment or discrimination.
348 Although the confidentiality of the information received and the privacy of the individuals involved
349 cannot be guaranteed, they will be protected to as great an extent as is legally possible. The
350 expressed wishes of the complainant regarding confidentiality will be considered in the context of the
351 university's legal obligation to act upon the charge and the right of the charged party to be informed
352 concerning the charge.

353
354 **3.3. Sanctions**
355 Employees found to have engaged in discrimination or harassment in violation of this policy are
356 subject to appropriate discipline up to and including termination of employment. Students found to
357 have engaged in discrimination or harassment in violation of this policy are subject to appropriate
358 discipline up to and including dismissal. In cases where complaints are found to be baseless or
359 frivolous, and where the accused individual consents, the university will take affirmative steps to
360 restore the reputation of a person believed to be wrongly accused. Appropriateness of such action
361 shall be based upon the nature of the investigation, the findings, and the reputational damage which
362 may have occurred.

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364 **3.4. Academic Freedom and Freedom of Speech**

365 Enforcement of this policy must respect the principles of academic freedom and the right of free
366 speech. Therefore, in evaluating whether speech has become harassment as defined above, the
367 following factors will be considered:
368

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

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

386 **3.5. Direct Institutional Action**

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

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394 **4. External Actions**

395 In addition to the university's channels, a person who believes that she or he has been subjected to
396 discrimination or harassment may file a charge under the various jurisdictions of the Iowa Civil
397 Rights Commission, the Equal Employment Opportunity Commission, or the U.S. Office of Civil
398 Rights. Information on filing charges with any of these agencies, including deadlines for doing so,
399 may be obtained from each agency's website. (see links on the Office of Equal Opportunity website)
400

401 **Resources**

402 **Links**

- 403 • [Discrimination and Harassment website](#)
- 404 • [Religious Accommodation Statement](#)
- 405 • [Student Accessibility Services \(SAS\) - Accommodations](#)
- 406 • [Sexual Misconduct, Sexual Assault, and Sexual Harassment Involving Students](#)
- 407 • [Student Disciplinary Regulations §4.2.5 Prohibited Conduct](#)
- 408 • [Conduct Policy - Faculty \(FHB 7\)](#)
- 409 • [University Catalog - Appeal of Academic Grievances](#)
- 410 • [Grievance Procedures, Faculty \(FHB 9\)](#)
- 411 • [Grievance Management, Professional & Scientific \(P&S\)](#)
- 412 • [Grievance Policy, Undergraduate Student-Employees](#)
- 413 • [Non-Retaliation Policy](#)
- 414 • [Dean of Students Office](#)
- 415 • [Student Counseling Service](#)
- 416 • [Office of Equal Opportunity](#)
- 417 • [Office of Equal Opportunity Information Advisors](#)
- 418 • [Employee and Family Resources: Employee Assistance Program](#)
- 419 • [University Human Resources \[UHR\]](#)
- 420 • [Women's Center](#)

421 **Files**

- 422 • [Discrimination and Harassment \[Policy in PDF with line numbers\]](#)

423