

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 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

52 responsibilities, including resources and complaint resolution (see [Resources](#) below).
53

54 **Policy Statement**

55 **1. Discrimination and Harassment Defined**

56 Iowa State University prohibits discrimination, which can include disparate treatment directed toward an
57 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 the
72 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 occurred
76 will be based upon the context in which the alleged conduct occurs. For further discussion, see Section
77 3.4.
78

79 80 1.1. Sexual Harassment

81 Sexual harassment, in its legal definition, includes unwelcome sexual advances, requests to engage in
82 sexual conduct, and other physical and expressive behavior of a sexual nature where (1) submission to
83 such conduct is made either explicitly or implicitly a term or condition of an individual's employment or
84 education; (2) submission to or rejection of such conduct by an individual is used, or threatened or
85 suggested to be used, as the basis for academic or employment decisions affecting the individual; or
86 (3) such conduct creates a hostile, intimidating or demeaning environment that is sufficiently severe,
87 pervasive and objectively offensive to substantially interfere with an individual's academic or
88 professional performance. Determination as to whether the alleged conduct constitutes sexual
89 harassment should take into consideration the totality of the circumstances, including the context in
90 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 advances.
94 The suggestion or the advance need not be direct or explicit--it can be implied from the conduct,
95 circumstances, and relationships of the persons involved. Sexual harassment can also consist of
96 persistent, unwelcome attempts to change a professional or academic relationship to a romantic or
97 sexual one. It can range from unwelcome sexual expressions directed at individual persons or classes
98 of people to serious physical abuses such as sexual assault. Examples could include, but are not
99 limited to, unwelcome sexual advances; repeated and unwelcome sexually-oriented bullying, teasing,
100 joking, or flirting; verbal abuse of a sexual nature; commentary about an individual's body, sexual
101 prowess, or sexual deficiencies; leering, touching, pinching, or brushing against another's body; or
102 displaying objects or pictures, including electronic images, which are sexual in nature and which create
103 a hostile or offensive work, education, or living environment.
104
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 and
111 his or her student may give rise to legal and ethical concerns or to conflict between personal and
112 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 between
117 others; (2) where a consensual relationship creates a hostile and intimidating work or learning
118 environment for third parties; or (3) when a consensual relationship ends, and one of the parties
119 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 hostile
127 environment can be created when the conduct is sufficiently severe or pervasive and objectively
128 offensive so as to substantially interfere with the person's work, education, or activities on campus.

129
130 1.3. Harassment Based on Religion, Disability, Pregnancy, Age, Marital Status, Sexual Orientation,
131 U.S. Veteran Status, or Other Protected Status

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

134
135 1.4. Retaliation

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

140

141 **2. Complaint Resolution**

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

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

156
157 To best remedy a situation, complainants are urged to promptly share concerns or complaints rather
158 than risking their wellbeing or negatively affecting the university's ability to investigate their case due to
159 the passage of time and potential departure of witnesses. If a formal complaint contains incomplete

160 information, the Office of Equal Opportunity (OEO) will promptly seek to gather the needed information
161 from the complainant. In the event that such information is not furnished to the OEO within 30 days
162 from the date of the request, the case may be closed. Consistent with federal regulations governing the
163 filing of complaints, the OEO may decline to investigate claims in which none of the alleged
164 discrimination or harassing action occurred within the preceding 300 days.

165
166 Any employee, student, visitor, applicant, or program participant of Iowa State University may file a
167 complaint alleging discrimination or harassment in violation of the university's policy prohibiting such
168 conduct. In most cases, complaints against affiliates or contractors of Iowa State University must first
169 proceed through the affiliate or contractor before Iowa State University may intervene. Information
170 about the university's policy and resolution procedures may be found in several offices, including the
171 dean of students office, the student counseling service, the women's center, the senior vice president
172 and provost, the employee assistance program, and the OEO. As described below, the university has
173 designated and trained certain individuals, called discrimination and harassment assistors, to assist a
174 potentially injured person in deciding if and how to proceed and in carrying out that decision.

175 176 2.1. Informal Resolution

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

184
185 Under the informal process, the complainant must bring the complaint, either verbally or in writing, to a
186 supervisor with authority over the person against whom the complaint is directed. Because it is often
187 more efficient to resolve matters locally, bringing the informal complaint to a supervisor with immediate
188 authority over the person is useful, but not required. If a complainant is not comfortable speaking with a
189 supervisor, informal complaints may also be raised with the OEO. To ensure responsiveness and
190 consistent application of this policy, the supervisor must notify the OEO when he or she receives an
191 informal complaint. If the allegations reveal conduct of a severe or repetitive nature, the supervisor or
192 the OEO may deem a formal investigation under section 2.2 to be warranted. The supervisor is
193 expected to review the complaint and explore avenues for resolution with the complainant. With the
194 complainant's consent, the supervisor may contact the accused person.

195
196 Because the OEO can provide assistance through this process, the supervisor is encouraged to consult
197 with the OEO regarding alternatives for resolution. Options for informal resolution may include advising
198 the complainant about methods to resolve the concern, arranging educational programs for individuals
199 or departments, helping modify a work or study situation, mediating between the parties, or intervening
200 or arranging for a third party to intervene. The informal process is not a formal investigation. A
201 supervisor shall not impose discipline against an accused person as a result of the informal process
202 without first consulting with the OEO, or in the case of a complaint against a faculty member, the office
203 of the senior vice president and provost (SVPP).

204
205 Supervisors should attempt to resolve complaints expeditiously, but consistent with the severity or
206 complexity of the matter. As a guideline, supervisors should attempt to complete the informal resolution
207 process within three weeks after receipt of the complaint. To ensure responsiveness and consistent
208 application of this policy, the supervisor must notify the OEO as to the resolution of the complaint.

209
210 In cases of complaints against members of the faculty, the faculty conduct policy provides for mediation
211 by a third party to resolve the complaint when all parties agree. For more information, see the Faculty
212 Handbook, Faculty Conduct Policy, Mediated Process (§7.2.4).

213
214 For purposes of annual reporting, the supervisor shall maintain a written record of the complaint and of
215 the informal resolution process undertaken, taking care to preserve the privacy rights of both the
216 complainant and the alleged offender.

217
218 2.2. Formal Resolution
219 A person who wishes to file a formal complaint must do so in writing as described below. Students
220 should see the policy on *Sexual Misconduct, Sexual Assault, and Sexual Harassment Involving*
221 *Students* (see Resources below)
222
223 2.2.1. Complaints Against Faculty Members
224 When a person chooses to file a formal complaint against a member of the faculty, he or she may file
225 the written complaint with either the SVPP office or the OEO (see details in 2.2.2. below). In cases
226 where the complainant files a complaint with the OEO, that office will notify the SVPP of the complaint
227 within one business day and coordinate with the faculty review board, as required by the faculty
228 conduct policy. The faculty review board will conduct its own investigation or work in conjunction with an
229 investigator and make recommendations to the SVPP.
230
231 2.2.2. Complaints Against Others
232 A person who believes that she or he has been subjected to harassment or discrimination may file a
233 formal complaint with the university's Office of Equal Opportunity (OEO). A formal complaint with the
234 OEO involves completing an intake form and submitting a written, signed statement describing the
235 incident or incidents as completely as possible. Specific guidelines for the submission of a complaint
236 may be obtained from the OEO, and the complainant may visit with a staff member of that office prior to
237 filing a formal complaint.
238
239 Once a complaint is filed with the Office of Equal Opportunity, it will be assessed and, if an investigation
240 is warranted, the case will be assigned for investigation to a staff member or designee. A complaint
241 against the president will be referred to the board of regents for investigation and disposition. The
242 person against whom the complaint is filed will be notified. Each investigation will necessarily be
243 different depending on the facts, circumstances, and witnesses. Generally, an investigation will include
244 interviews with the complainant or complainants, with the person against whom the complaint has been
245 brought, and with anyone else who might have information that would be helpful. Based on this
246 investigation, the Office of Equal Opportunity and/or designated investigator will meet with the
247 supervisor of the accused person to share findings and discuss appropriate action to resolve the
248 complaint.
249
250 The supervisor to whom the Office of Equal Opportunity reported must notify that office as to whether
251 he or she accepts the findings as well as what action, if any, has been or will be taken. If the unit
252 administrator does not accept the findings of the Office of Equal Opportunity, then the Office of Equal
253 Opportunity shall submit a written summary of the findings and recommendation to the appropriate vice
254 president or SVPP, who shall in turn take whatever action he or she believes to be necessary to
255 remedy the situation. Any disciplinary action shall be handled under the appropriate employee
256 handbook.
257
258 The investigation by the Office of Equal Opportunity or designated investigator will be conducted
259 expeditiously, but in a manner consistent with the complexity and severity of the matter and availability
260 of witnesses. The Office of Equal Opportunity will attempt to complete its investigation and
261 recommendation within forty-five days of initiation of the formal complaint if possible.
262
263 The Office of Equal Opportunity shall notify the complainant in writing of the result of the investigation.
264 Any subsequent complaints or appeals external to the university shall be at the discretion of the
265 complainant in accordance with the rules and timelines of the entity receiving the complaint or appeal
266 (e.g., board of regents, Iowa civil rights commission).
267
268
269 2.3. Office of Equal Opportunity Information Advisors
270 Because sexual harassment can be difficult to identify and understand, the university has designated
271 persons on campus as information advisors to help anyone who believes she or he may have been
272 subjected to discrimination and harassment including sexual harassment or who wishes to make an
273 inquiry. Office of Equal Opportunity (OEO) information advisors are members of the university

274 community who have received extensive discrimination and harassment training to act as information
275 advisors on topics pertaining to discrimination and harassment, have general knowledge about
276 applicable laws, university policies and procedures, options available for resolution of complaints,
277 confidentiality requirements, act as educators and trainers, and assist students, faculty, and staff with
278 concerns about discrimination and harassment. OEO information advisors are designated by the
279 president, provost, senior vice presidents, deans, and/or other University administrators to serve as
280 OEO information advisors representing their respective areas. Information advisors are a resource for
281 information but are not responsible for investigating or resolving complaints. A list of designated
282 discrimination and harassment assistors are available from the Office of Equal Opportunity.

283 284 2.4. Other Internal Grievances

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

289 290 For Students

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

301 For Faculty and Staff

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

306 307 2.5. Title IX Coordinator

308 The university has designated Margo Foreman, director of equal opportunity, as the [Title IX](#)
309 [coordinator](#) to handle inquiries regarding non-discrimination and harassment policies and complaints.
310 Questions or concerns may be directed to the Office of Equal Opportunity at 515-294-
311 7612, mrforema@iastate.edu, or in person at 3410 Beardshear Hall, Ames, IA 50011.

312 Deputy Title IX coordinators are:

- 313 - Dawn Bratsch-Prince, associate provost, 515-294-6410
- 314 - Sara Kellogg, dean of students office, 515-294-1023
- 315 - Calli Sanders, athletics department, 515-294-3706
- 316 - Judith Strand, Graduate College, 515-294-5285

317 **3. Enforcement**

318 3.1. Responsibilities of the University, Administrators, and Supervisors

319 Iowa State University--including its officers and its employees--is committed to maintaining a working
320 and learning environment free from discrimination and harassment. The administration will make widely
321 known that discrimination and harassment are prohibited both legally and by this policy, and that

322 appropriate procedures for dealing with allegations of discrimination or harassment are available.
323 Students, staff, faculty, and administrators should know that the university is concerned about such
324 behavior and is prepared to take preventive and corrective action.
325

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

333 3.2. Confidentiality

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

346 3.3. Sanctions

347 Employees found to have engaged in discrimination or harassment in violation of this policy are subject
348 to appropriate discipline up to and including termination of employment. Students found to have
349 engaged in discrimination or harassment in violation of this policy are subject to appropriate discipline
350 up to and including dismissal. In cases where complaints are found to be baseless or frivolous, and
351 where the accused individual consents, the university will take affirmative steps to restore the reputation
352 of a person believed to be wrongly accused. Appropriateness of such action shall be based upon the
353 nature of the investigation, the findings, and the reputational damage which may have occurred.
354

355 3.4. Academic Freedom and Freedom of Speech

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

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

371 Findings about any one or more of these factors, however, will not result in a determination that an
372 individual has engaged in "harassment" where the definitions in Section 1 are not otherwise met. When
373 investigating conduct which includes scholarly discourse, the Office of Equal Opportunity will be
374 cognizant of the provisions of the Faculty Handbook on scholarly discourse and germaneness.
375

376 3.5. Direct Institutional Action
377 Even in the absence of a complaint, if university administrators, including the president, the SVPP,
378 senior vice presidents, vice presidents, deans, department chairs, or directors, become aware of
379 allegations of discrimination or harassment, they should inquire into, or seek assistance in inquiring
380 into, allegations or behaviors that may be discriminatory or harassing in order to determine what
381 action(s) are warranted. Appropriate procedures may include initiating an investigation. Supervisors
382 needing assistance should consult with the Office of Equal Opportunity.
383

384 **4. External Actions**

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

390 **Resources**

391 **Links**

- 392 • [Discrimination and Harassment website](#)
- 393 • [Religious Accommodation Statement](#)
- 394 • [Student Accessibility Services \(SAS\) - Accommodations](#)
- 395 • [Sexual Misconduct, Sexual Assault, and Sexual Harassment Involving Students](#)
- 396 • [Student Disciplinary Regulations §4.2.5 Prohibited Conduct](#)
- 397 • [Conduct Policy - Faculty \(FHB 7\)](#)
- 398 • [University Catalog - Appeal of Academic Grievances](#)
- 399 • [Grievance Procedures, Faculty \(FHB 9\)](#)
- 400 • [Grievance Management, Professional & Scientific \(P&S\)](#)
- 401 • [Grievance Policy, Undergraduate Student-Employees](#)
- 402 • [Non-Retaliation Policy](#)
- 403 • [Dean of Students Office](#)
- 404 • [Student Counseling Service](#)
- 405 • [Office of Equal Opportunity](#)
- 406 • [Office of Equal Opportunity Information Advisors](#)
- 407 • [Employee and Family Resources; Employee Assistance Program](#)
- 408 • [University Human Resources \[UHR\]](#)
- 409 • [Women's Center](#)

410