

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*

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).

53 **Policy Statement**

54 **1. Discrimination and Harassment Defined**

55 Iowa State University prohibits discrimination, which can include disparate treatment directed toward
56 an individual or group of individuals based on race, ethnicity, sex, pregnancy, color, religion, national
57 origin, physical or mental disability, age (40 and over), marital status, sexual orientation, gender
58 identity, genetic information, status as a U.S veteran (disabled, Vietnam, or other), or other protected
59 class, that adversely affects their employment or education. For religion or disability, the law allows
60 employees and students 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
63 unwelcome and is sufficiently severe or pervasive and objectively offensive so as to substantially
64 interfere with a person's work or education. Harassment may include, but is not limited to, threats,
65 physical contact or violence, pranks, jokes, bullying, epithets, derogatory comments, vandalism, or
66 verbal, graphic, or written conduct directed at an individual or individuals because of their race,
67 ethnicity, sex, pregnancy, color, religion, national origin, physical or mental disability, age, marital
68 status, sexual orientation, gender identity, genetic information, or U.S. veteran status. Even if actions
69 are not directed at specific persons, a hostile environment may be created when the conduct is
70 sufficiently severe or pervasive and objectively offensive so as to substantially interfere with or limit
71 the ability of an individual to work, study, or 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. A determination as to whether discrimination or harassment has
75 occurred will be based upon the context in which the alleged conduct occurs. For further discussion,
76 see Section 3.4.

77 78 **1.1. Sexual Harassment**

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

89
90 Under this policy, sexual harassment can be verbal, visual, or physical. It can be overt, as in the
91 suggestion that a person could get a higher grade or a raise in salary by submitting to sexual
92 advances. The suggestion or the advance need not be direct or explicit--it can be implied from the
93 conduct, circumstances, and relationships of the persons involved. Sexual harassment can also
94 consist of persistent, unwelcome attempts to change a professional or academic relationship to a
95 romantic or sexual one. It can range from unwelcome sexual expressions directed at individual
96 persons or classes of people to serious physical abuses such as sexual assault. Examples could
97 include, but are not limited to, unwelcome sexual advances; repeated and unwelcome sexually-
98 oriented bullying, teasing, joking, or flirting; verbal abuse of a sexual nature; commentary about an
99 individual's body, sexual prowess, or sexual deficiencies; leering, touching, pinching, or brushing
100 against another's body; or displaying objects or pictures, including electronic images, which are
101 sexual in nature and which create a hostile or offensive work, education, or living environment.

102

103 1.1.1. Consensual Relationships
104 Sexual, romantic, or intimate relationships between persons in an unequal power relationship that
105 appear to be voluntary and welcome may nonetheless constitute sexual harassment under this
106 definition. Relationships between faculty and subordinate faculty or staff, between a supervisor and
107 those employees whom he or she supervises, or between a faculty member or teaching assistant
108 and his or her student may give rise to legal and ethical concerns or to conflict between personal
109 and professional interests. Although such a relationship may be viewed by the parties involved as
110 consensual, that fact alone does not mean that no sexual harassment exists.

111
112 In addition, such relationships can result in discrimination or harassment where (1) third parties are
113 adversely affected in academic or employment matters because of a consensual relationship
114 between others; (2) where a consensual relationship creates a hostile and intimidating work or
115 learning environment for third parties; or (3) when a consensual relationship ends, and one of the
116 parties continues behavior which the other party has made clear is now unwelcome.

117
118 Supervisors, instructors, or mentors involved in such relationships have the obligation to remove
119 themselves from the supervisory or mentoring relationship (see Faculty Handbook, §7.2.2.1.1.).
120

121 1.2. Racial and Ethnic Harassment

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

128 1.3. Harassment Based on Religion, Disability, Pregnancy, Age, Marital Status, Sexual Orientation, 129 U.S. Veteran Status, or Other Protected Status

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

133 1.4. Retaliation

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

138 2. Complaint Resolution

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

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

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

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

162
163 Any employee, student, visitor, applicant, or program participant of Iowa State University may file a
164 complaint alleging discrimination or harassment in violation of the university's policy prohibiting such
165 conduct. In most cases, complaints against affiliates or contractors of Iowa State University must first
166 proceed through the affiliate or contractor before Iowa State University may intervene. Information
167 about the university's policy and resolution procedures may be found in several offices, including the
168 dean of students office, the student counseling service, the women's center, the senior vice
169 president and provost, the employee assistance program, and the OEO. As described below, the
170 university has designated and trained certain individuals, called discrimination and harassment
171 assistants, to assist a potentially injured person in deciding if and how to proceed and in carrying out
172 that decision.

173 174 2.1. Informal Resolution

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

182
183 Under the informal process, the complainant must bring the complaint, either verbally or in writing, to
184 a supervisor with authority over the person against whom the complaint is directed. Because it is
185 often more efficient to resolve matters locally, bringing the informal complaint to a supervisor with
186 immediate authority over the person is useful, but not required. If a complainant is not comfortable
187 speaking with a supervisor, informal complaints may also be raised with the OEO. To ensure
188 responsiveness and consistent application of this policy, the supervisor must notify the OEO when
189 he or she receives an informal complaint. If the allegations reveal conduct of a severe or repetitive
190 nature, the supervisor or the OEO may deem a formal investigation under section 2.2 to be
191 warranted. The supervisor is expected to review the complaint and explore avenues for resolution
192 with the complainant. With the complainant's consent, the supervisor may contact the accused
193 person.

194
195 Because the OEO can provide assistance through this process, the supervisor is encouraged to
196 consult with the OEO regarding alternatives for resolution. Options for informal resolution may
197 include advising the complainant about methods to resolve the concern, arranging educational
198 programs for individuals or departments, helping modify a work or study situation, mediating
199 between the parties, or intervening or arranging for a third party to intervene. The informal process is
200 not a formal investigation. A supervisor shall not impose discipline against an accused person as a
201 result of the informal process without first consulting with the OEO, or in the case of a complaint
202 against a faculty member, the office of the senior vice president and provost (SVPP).

203
204 Supervisors should attempt to resolve complaints expeditiously, but consistent with the severity or
205 complexity of the matter. As a guideline, supervisors should attempt to complete the informal
206 resolution process within three weeks after receipt of the complaint. To ensure responsiveness and
207 consistent application of this policy, the supervisor must notify the OEO as to the resolution of the
208 complaint.

209
210

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

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

220 2.2. Formal Resolution

221 A person who wishes to file a formal complaint must do so in writing as described below. Students
222 should see the policy on *Sexual Misconduct, Sexual Assault, and Sexual Harassment Involving*
223 *Students* (see Resources below)
224

225 2.2.1. Complaints Against Faculty Members

226 When a person chooses to file a formal complaint against a member of the faculty, he or she may
227 file the written complaint with either the SVPP office or the OEO (see details in 2.2.2. below). In
228 cases where the complainant files a complaint with the OEO, that office will notify the SVPP of the
229 complaint within one business day and coordinate with the faculty review board, as required by the
230 faculty conduct policy. The faculty review board will conduct its own investigation or work in
231 conjunction with an investigator and make recommendations to the SVPP.
232

233 2.2.2. Complaints Against Others

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

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

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

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

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

272 2.3. Office of Equal Opportunity Information Advisors

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

288 2.4. Other Internal Grievances

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

294 For Students

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

306 For Faculty and Staff

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

311 2.5. Title IX Coordinator

312 The university has designated Margo Foreman, director of equal opportunity, as the [Title IX](#)
313 [coordinator](#) to handle inquiries regarding non-discrimination and harassment policies and
314 complaints. Questions or concerns may be directed to the Office of Equal Opportunity at 515-294-
315 7612, mrforema@iastate.edu, or in person at 3410 Beardshear Hall, Ames, IA 50011.

316

317 Deputy Title IX coordinators are:

318 **Adrienne Lyles, Senior Deputy Title IX Coordinator**

319 Associate Director of Equal Opportunity

320 3410 Beardshear Hall, Ames, IA 50011

321 Phone: 515-294-0044

322 Email: alyles@iastate.edu

323 **Charles Small, Deputy Title IX Coordinator for Athletics**

324 Senior Associate Director of Athletics

325 2157G Hixson Lied, Ames, IA 50011

326 Phone: 515-294-3662

327 Email: csmall@iastate.edu

328 **Dawn Bratsch-Prince, Deputy Title IX Coordinator for Academic Affairs**

329 Associate Provost

330 1550 Beardshear Hall , Ames, IA 50011

331 Phone: 515-294-6410

332 Email: deprince@iastate.edu

333 **Monica Howard-Martin, Deputy Title IX Coordinator for Veterinary Medicine**

334 Director of Student Programs

335 2270B Vet Med, Ames, IA 50011

336 Phone: 515-294-0391

337 Email: mohoward@iastate.edu

338 **Sara Kellogg, Deputy Title IX Coordinator for Student Affairs**

339 Assistant Dean and Director of Student Conduct

340 1010 Student Services Building, Ames, IA 50011

341 Phone: 515-294-1021

342 Email: skellogg@iastate.edu

343 **Judith Strand, Deputy Title IX Coordinator for the Graduate College**

344 Program Coordinator II

345 1137 Pearson Building, Ames, IA 50011

346 Phone: 515-294-5285

347 Email: jstrand@iastate.edu

348 **Laura Bestler, Deputy Title IX Coordinator for Staff**

349 CELT Program Coordinator II

350 3024 Morrill Hall, Ames IA 50011

351 Phone: 515-294-4533

352 Email: bestler@iastate.edu

353 **3. Enforcement**

354 3.1. Responsibilities of the University, Administrators, and Supervisors

355 Iowa State University--including its officers and its employees--is committed to maintaining a working

356 and learning environment free from discrimination and harassment. The administration will make

357 widely known that discrimination and harassment are prohibited both legally and by this policy, and

358 that appropriate procedures for dealing with allegations of discrimination or harassment are

359 available. Students, staff, faculty, and administrators should know that the university is concerned

360 about such behavior and is prepared to take preventive and corrective action.

361

362

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

370

371 3.2. Confidentiality

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

383

384 3.3. Sanctions

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

393

394 3.4. Academic Freedom and Freedom of Speech

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

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

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

415

416

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

425 **4. External Actions**

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

431 **Resources**

432 **Links**

- 433 • [Discrimination and Harassment website](#)
- 434 • [Religious Accommodation Statement](#)
- 435 • [Student Accessibility Services \(SAS\) - Accommodations](#)
- 436 • [Sexual Misconduct, Sexual Assault, and Sexual Harassment Involving Students](#)
- 437 • [Student Disciplinary Regulations §4.2.5 Prohibited Conduct](#)
- 438 • [Conduct Policy - Faculty \(FHB 7\)](#)
- 439 • [University Catalog - Appeal of Academic Grievances](#)
- 440 • [Grievance Procedures, Faculty \(FHB 9\)](#)
- 441 • [Grievance Policy, Undergraduate Student-Employees](#)
- 442 • [Non-Retaliation Policy](#)
- 443 • [Dean of Students Office](#)
- 444 • [Student Counseling Service](#)
- 445 • [Office of Equal Opportunity](#)
- 446 • [Office of Equal Opportunity Information Advisors](#)
- 447 • [Employee and Family Resources; Employee Assistance Program](#)
- 448 • [University Human Resources \[UHR\]](#)
- 449 • [Women's Center](#)

450