

## Non-substantive Changes to Ch 7

Made by Gov and Doc Committee 10/30/07

### 7.2.2.2. Discrimination and Harassment.

Changes to this section were approved by the Faculty Senate, November 14, 2006.

The obligation of the University is to provide an environment that enables all members of the community to pursue work and study free of discrimination and harassment. Especially important is to prevent and address 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, status as a US veteran (disabled, Vietnam, or other), or other protected classes, as described in the Iowa State University non-discrimination policy. At the same time the university is committed to preserving an environment of free debate and discussion. Harassment in any form does not occur unless the behavior or speech is severe, persistent or pervasive. In the context of scholarly discourse harassment does not occur unless the expressive activity is not germane to the subject matter.

### 7.2.2.5.8. Discrimination.

Consistent with the University's policy against discrimination, faculty may not engage in discriminatory conduct against members of the protected classes as defined in Section 7.2.2.2., unless the conduct is consistent with university programs involving bona fide occupational qualifications, business necessity, actions designed to eliminate workforce under-utilization, and/or where this policy conflicts with federal and state laws, rules, regulations, or orders.

### 7.2.2.5.12. Other Policies.

Faculty must comply with all university policies, including but not limited to:

- Drug and Alcohol Free Workplace. ([8.4.3. Drug Free Workplace](#))
- Occupational Safety Policy. ([8.4.4. Occupational Safety Policy](#))
- The Board of Regents, Uniform Rules of Conduct, Policy Library, <http://policy.iastate.edu/>, Uniform Rules of Personal Conduct (Iowa Administrative Code 681-9.1)(262) (2001),

## **7.2.5.2.2. Review and Hearing by the Faculty Review Board.**

Once the Faculty Review Board has reviewed and is satisfied with the investigative report, the Faculty Review Board will submit the report to the Provost, the complainant, and the respondent for comments. All parties will have a period of seven days to provide a response to the Faculty Review Board. The Faculty Review Board shall review the responses from the parties and consider whether changes to the investigative report are necessary. If changes are made to the investigative report, the Faculty Review Board will not seek additional comments or responses from the parties unless it is warranted under the circumstances. After the receipt of responses from all parties, or after seven days, the Faculty Review Board will meet and will take one of three actions based on a simple majority vote: to dismiss the charges and hold no hearing, to hold a minor sanction hearing, or to recommend that the complaint be referred to a Major Sanction Committee. If the Faculty Review Board decides to dismiss the charges without a hearing, it will summarize its reasons as a part of its report to the Provost; the decision against a hearing is only possible if the Faculty Review Board finds no violation of the Faculty Conduct Policy by the respondent. If the Faculty Review Board decides to hold a minor sanction hearing they will inform all relevant parties and schedule the hearing. If the Faculty Review Board decides to recommend that the complaint be referred to a Major Sanction Committee, they will submit this recommendation to the Provost along with their reasons for making the recommendation. If the Faculty Review Board recommends that any portion of the complaint warrants review by a Major Sanction Committee, the entire complaint shall be heard through that process.

If at any time the Faculty Review Board concludes there is need for further interim action, they shall make a recommendation to the Provost. If the Provost disagrees, they may make a recommendation to the President.

In conducting a minor sanction hearing the Faculty Review Board will respect the due process rights of the respondent, undertake diligent efforts to protect the positions and reputations of those persons who, in good faith, make allegations of misconduct, and will afford all individuals confidential treatment to the extent possible in the inquiry.

Minor sanction hearings will be closed to the public. During the hearing, the Faculty Review Board may receive additional evidence from the respondent or the complainant, will hear rebuttals of evidence presented by either party, may call and question witnesses on its own behalf. During the hearing all questions, comments, or statements will be addressed to the Faculty Review Board. The Faculty Review Board may, in its discretion, allow alternate forms of witness testimony. The respondent may choose to waive his/her right to a formal hearing and allow a written statement to constitute the defense. The respondent and the complainant may have the advice of counsel, but counsel may not speak for them during the hearing. In all cases the charges shall be established by the preponderance of the evidence. Deliberation on the charge will be based only on the evidence relevant to the charge. The Faculty Review Board shall

determine the relevance of all evidence. If evidence of additional instances of misconduct is presented, whether related or unrelated to the original charge, the Faculty Review Board shall consult with the Provost on the question of whether this additional misconduct shall be included in the current case or whether a separate complaint shall be made. In such cases, the Provost shall have the authority to approve additional charges and to reasonably extend deadlines if necessary to investigate the additional charges.

Following the hearing, the Faculty Review Board will prepare a report containing a full description of the allegations, the evidence reviewed, a summary of testimony, and conclusions that have been reached. The report of the Faculty Review Board will include a recommendation about the disposition of the case. The Faculty Review Board has three options:

- If they decide that the evidence is not credible or does not sufficiently support the charge they may recommend that the case be dismissed.
- If they decide that the evidence is credible and that it supports the case, they may recommend that the Provost impose a minor sanction or that nondisciplinary corrective action be taken. The Faculty Review Board shall recommend the minor sanction to be imposed.
- If they decide that the evidence is credible and that there is a clear and compelling case to warrant a major sanction, they may recommend that the Provost refer the complaint to a Major Sanction Committee.

In their report the Faculty Review Board will articulate their reasons for making their recommendation. The Faculty Review Board may also make a recommendation about interim action during the remainder of the process. The Faculty Review Board report will be sent to the respondent and the complainant, who will have ten days to respond. After receipt of the responses, or after ten days, the Faculty Review Board will submit their report and any responses to the Provost. The respondent and the complainant will receive copies. The Chair and Dean will be notified that the report has been submitted.

The Faculty Review Board will issue their report within 60 days of the first meeting of the FRB. Faculty Review Board may ask for and receive an extension beyond 60 days. A request for an extension must include documented reasons for the extension. An extension will be granted only with the concurrence of both the Provost and the President of the Faculty Senate.