

# Faculty Handbook - 7. Faculty Conduct Policy

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

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## **7.1. Statement of Principles**

Section 7 was approved by the Faculty Senate on 5/01/01, by the University President on 1/31/02 and by the Board of Regents on 3/14/02.

### **7.1.1. Academic Freedom**

Academic freedom is the foundation of the university because it encourages and guarantees the right to inquiry, discourse, and learning that characterize a community of scholars. Iowa State University supports full freedom, within the law, of expressions in teaching, investigation in research, and dissemination of results through presentation, performance, and publication. No faculty member shall be judged on any basis not demonstrably related to professional performance. Iowa State University is dedicated to

ensuring that faculty have the freedom to engage in teaching, research, extension, administration, and other professional activities and it considers a strong tenure system to be indispensable to the success of fulfilling its obligations. Iowa State University is committed to an uninhibited, robust, and unfettered pursuit of ideas. All members of the university community, faculty, staff, students, and administrators, are members of an ethical team whose goal is to create an environment in which no one hesitates to speak his or her mind for fear of reprisal. Iowa State University will take all appropriate actions to defend academic freedom, and to defend faculty who are accused or charged during the appropriate exercise of their duties.

In the exercise of academic freedom, faculty members may discuss without limitation any topic related to their professional area of expertise in the classroom, at professional meetings, or through publication. As scholars and educational officers, faculty should remember that the public might judge their profession and their institution by their utterances. Hence, they should at all times be accurate, should exercise appropriate restraint and should show respect for the opinions of others. When faculty members speak or write as individuals, they should be free from institutional censorship or discipline.

### **7.1.2. Professional Responsibilities**

Iowa State University recognizes that membership in the academic profession carries with it special responsibilities. Faculty members, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognize the special responsibilities placed upon them. Their primary responsibility to their discipline is to seek and to state the truth as they see it. To this end faculty members devote their energies to developing and improving their scholarly competence. They accept the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. They practice intellectual honesty. Faculty members do not allow subsidiary interests to compromise their freedom of inquiry.

As teachers, faculty members encourage the free pursuit of learning in their students. They hold before them the best scholarly and ethical standards of their discipline. Faculty members demonstrate respect for students as individuals and adhere to their proper roles as intellectual guides and counselors. Faculty members foster honest academic conduct and evaluate student work with respect to its true academic merit. They respect the special nature of the relationship between professor and student. They do not exploit, harass, or improperly discriminate against students. They acknowledge significant academic or scholarly assistance from them. They protect their academic freedom.

As administrators and colleagues, faculty members have obligations that derive from common membership in the community of scholars. Faculty members do not exploit, harass, or improperly discriminate against colleagues. They respect and defend the free inquiry of associates. In the exchange of criticism and ideas, faculty members show due respect for the opinions of others. They acknowledge academic debt and strive to be

objective in their professional judgment of colleagues. Faculty members accept their share of faculty responsibilities for the governance of their institution.

As members of an academic institution, faculty members seek to be effective teachers, scholars, and administrators. Faculty members maintain their rights to criticize and seek revision of university regulations and actions that they believe violate academic freedom. Faculty members give due regard to their paramount responsibilities within their institution in determining the amount and character of work done outside it. When considering the interruption or termination of their service, faculty members recognize the effect of their decision upon the program of the institution and give due notice of their intentions.

As private individuals, faculty members have the same rights and obligations as others. Faculty members measure the urgency of these obligations in the light of their responsibilities to their discipline, to their students, to their profession, and to their institution. When they speak or act as private persons, they avoid creating the impression of speaking or acting for their college or university. As individuals engaged in a profession that depends upon freedom for its health and integrity, faculty members promote conditions of free inquiry and further public understanding of academic freedom.

## **7.2. Faculty Misconduct**

Every faculty member of the University recognizes that certain types of behavior constitute misconduct. Such behavior compromises the integrity of the University and the trust placed upon its members. The University will take any actions necessary to prevent misconduct and discipline those it finds responsible. Generally, adequate cause for sanction of a faculty member includes but is not limited to:

- Professional dishonesty in teaching, research, extension, or administrative activity;
- Demonstrated incompetence;
- Substantial and manifest neglect of duty; or
- Serious misconduct prohibited by law, Board of Regents policies, or official university policies.

In addition, the Board of Regents reserves the power to sanction a member of the faculty for other causes, but this power is exercised only under exceptional circumstances and then only for conduct which is clearly prejudicial to the best interests of the university.

### **7.2.1. Interpretation of Misconduct Rules**

#### **7.2.1.1. Protection of Academic Freedom.**

To ensure protection of academic freedom, this faculty conduct policy shall not be interpreted to permit discipline of faculty for immaterial violations of policy. Faculty should be disciplined only for practices that affect an important interest of the University.

### **7.2.1.2. Scholarly Discourse and Germaneness.**

When faculty are engaged in scholarly discourse they may not be disciplined for discussion or presentation of material, ideas and topics that are germane to the scholarly subject matter. Scholarly discourse includes the investigation, discussion and presentation of scholarly subject matter, including the presentation of material in the classroom. In order to be germane, the material presented must be relevant to the scholarly subject matter, and must be presented by appropriate means.

Faculty must remember that students are constrained in their freedom of choice of classes and in continuation in classes. Teaching methods that target individual students in an unfair way so as to prevent them from full participation in a course will not be regarded as appropriate. Comments related to sex, gender, race or ethnicity that are persistent, demeaning and unnecessary are not germane. Failure to adhere to the policy on the use of Explicit Materials will be considered in making a determination of whether the material is germane. (10.5.1. Explicit Materials)

### **7.2.1.3. Severity of Violations.**

Disciplinary action will be appropriate to the severity of the underlying misconduct. Generally, violations considered more severe include but are not limited to:

- Violence or threats of violence;
- Acts intended to result in improper personal gain of the faculty member and loss to others;
- Intentional or knowing violation of laws or rules known to the faculty member;
- Acts the faculty member could anticipate will be seriously prejudicial to others;
- Acts that result in substantial interference with the learning of students, the work of colleagues and staff or the receipt of benefits intended for the public; or
- Repeated acts of a similar nature.

## **7.2.2. Types of Misconduct**

The following sections describe general categories of misbehavior. The fact that a particular behavior is not specifically mentioned does not mean that faculty cannot be sanctioned if the behavior falls within the general definition of adequate cause indicated above.

### **7.2.2.1. Conflicts of Interest.**

Conflicts of interest include conflicts arising out of personal relationships, family relationships, and those arising out of activities outside of work.

### **7.2.2.1.1. Consenting Relationships.**

Consenting relationships that are of concern to Iowa State University are those intimate relationships to which both parties have consented, but where a reporting or evaluative relationship exists between the parties. When a relationship between a faculty member and a student is not confined to that of intellectual guide and academic counselor, it is the responsibility of the faculty member to take appropriate actions to avoid any conflict or apparent conflict of interest between the personal and academic concerns. Likewise, when such a relationship exists between faculty members or when it involves their role as supervisor, it is the responsibility of each faculty member to take appropriate actions to avoid any conflict or apparent conflict of interest.

Because of the reporting and evaluative nature of the relationship and the uneven power inherent in such a relationship, such relationships may become exploitative. Further, other individuals in proximity to the consenting relationship may suffer as a result of the reporting or evaluative aspects of the consenting relationship. Although consenting relationships may be viewed as private, real or perceived preferential treatment at the expense of others is in violation of an environment that seeks to foster a community for learning and scholarship. Because of these reporting and evaluation relationships and the uneven power inherent in such relationships, it will be very difficult to avoid subsequent charges of sexual harassment.

The faculty member who becomes intimately involved with a student or a supervisor who becomes intimately involved with an individual who reports to him or her must immediately make arrangements to end the reporting or evaluative relationship. A faculty member must not participate in the supervision or evaluation of a student, staff member, or colleague with whom a romantic or sexual relationship exists or has existed. It is the responsibility of the supervising party to take appropriate actions to end the supervisory or reporting relationship thereby removing the possibility of a conflict of interest. Failure to end the reporting or supervisory aspect of consenting relationships shall be viewed as misconduct.

### **7.2.2.1.2. Family Relationships - Nepotism.**

Iowa State University policy prohibits persons responsible for the employment of staff members from recommending for employment anyone related to them by blood or marriage as follows: parent, child, brother, sister, first cousin, uncle, aunt, nephew, niece, spouse, brother-in-law, sister-in-law, father-in-law, mother-in-law, son-in-law, daughter-in-law, step-parent, step-child. This restriction applies to all employees except those persons receiving a compensation of less than \$600 per year.

Faculty may not vote or formally participate in decisions to appoint, set salary, tenure, promote, or determine working conditions when the candidate is their spouse, domestic partner, or child. Nor are they permitted to supervise the academic work of their spouses, domestic partners, or children unless specific permission has been granted by the department chair, and a plan for oversight has been instituted to assure objective evaluation of the work. Generally, someone other than the faculty member should evaluate the work of such family members.

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### 7.2.2.1.3. Outside Activities.

Faculty of Iowa State University are subject to conflict of interest laws of the Chapter 68B of the Code of Iowa, as well as the University's policies on conflict of interest. Faculty and close family members may not sell goods or services to the University unless in conformity with Regents Policy. (See 8.3.7. Purchases of Goods or Services from Employees) Iowa law also forbids the acceptance of gifts from persons in circumstances, which may indicate improper influence. See *Office Procedure Guide*, <http://www.adp.iastate.edu/vpbf/prod/docs/opg/chap2.htm#2.5.6>.

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Iowa State University Policy requires prior approval of certain outside activities (8.3.5. Consulting and 7.2.2. Conflicts of Interest).

**Deleted:** It is the obligation of the University to provide an environment that enables all members of the community to pursue work and study free of harassment. It is especially important to prevent and address discriminatory harassment based upon race, color, age, sex, sexual orientation, or other reasons, 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. ¶

### 7.2.2.2. 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 harassment. Especially important is to prevent and address discriminatory harassment based upon race, color, age, religion, national origin, sexual orientation, gender identity, sex, marital status, disability, or status as a US veteran, or other reasons, 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. ¶

**Deleted: Harassing Behavior.**

**Deleted:** Criticism and actions taken in or as a result of disagreement can be misplaced and can result in harassment when: ¶  
<#>Verbal, written or physical conduct attempts to improperly influence another's academic or personal decisions with the direct or indirect threat of negative consequences if compliance does not occur; ¶  
<#>Verbal, written, or physical conduct is directed against another and is reasonably regarded as either abusive, intimidating, or humiliating, and substantially impairs the academic or work opportunity of the person against whom it is directed; or ¶  
<#>Verbal, written, or physical conduct intentionally encourages others, acting singly or in a group, to harass others. ¶

#### 7.2.2.2.1. Discrimination.

Consistent with the University's policy against discrimination, faculty may not engage in discriminatory conduct, as prohibited by the University's Discrimination and Harassment policy <http://policy.iastate.edu/policy/discrimination/>.

**Deleted: Sexual Harassment**

#### 7.2.2.2.2. Harassing Behavior.

Criticism and actions taken in or as a result of disagreement can be misplaced and can result in harassment when:

- Verbal, written or physical conduct attempts to improperly influence another's academic or personal decisions with the direct or indirect threat of negative consequences if compliance does not occur;
- Verbal, written, or physical conduct is directed against another and is reasonably regarded as either abusive, intimidating, or humiliating, and substantially impairs the academic or work opportunity of the person against whom it is directed; or
- Verbal, written, or physical conduct intentionally encourages others, acting singly or in a group, to harass others.

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### 7.2.2.2.3. Harassment.

The policy of Iowa State University is that no member of the academic community may engage in harassment as prohibited by the University's Discrimination and Harassment policy <http://policy.iastate.edu/policy/discrimination/>.

**Deleted:** It is the policy of Iowa State University that no member of the academic community may engage in sexual harassment prohibited by the University's Discrimination and Harassment Policy. ¶  
This language is in effect and is being reviewed by the faculty senate handbook committee as of May 31, 2006. ¶

**Deleted:** Racial and Ethnic

### 7.2.2.3. Academic Misconduct.

The faculty bear the primary responsibility to the academic community, to the institution, and to each other for maintaining high standards of academic integrity in teaching, research, extension, administration, and scholarly activity. The faculty are responsible for upholding academic integrity in their pursuits and instilling academic integrity in others. By virtue of their leadership positions in the university, faculty have a special obligation to maintain a climate of academic integrity. It is important to recognize that academic misconduct cannot be excused or wrongly protected under the guise of academic freedom.

**Deleted:** It is the policy of Iowa State University that no member of the academic community may engage in racial or ethnic harassment prohibited by the University's Discrimination and Harassment Policy. ¶  
This language is in effect and is being reviewed by the faculty senate handbook committee as of May 31, 2006. ¶

Academic misconduct includes falsification or fabrication of data, plagiarism or other practices that seriously deviate from those commonly accepted in the academic community for teaching, conducting research, administration, professional practice or service. Academic misconduct involves deception. Making the distinctions between misconduct and honest error or differences of opinion or judgment are intrinsic parts of the special responsibilities of the faculty.

Academic misconduct consists of any of the following:

- Falsification of data, which ranges from fabrication to deceptively selective reporting, including the purposeful omission of conflicting data with the intent to falsify results;
- Plagiarism, the representation of another's work as one's own

- Failure to follow required protocols in conducting research such as adhering to procedures for the protection of human subjects of research;
- Falsification of one's credentials
- Retaliation against persons who file claims of academic misconduct; or
- Falsification or intentional misrepresentations of truth in teaching.

#### **7.2.2.4. Criminal Acts or Violence.**

As members of the community, faculty are subject to state and federal laws. Criminal acts involving moral turpitude, acts which violate laws specifically applicable to state employees or acts of violence against persons or property are considered misconduct and make the perpetrator liable to sanction. This policy is intended to provide a sanction only for those crimes that affect the fitness of the faculty member.

#### **7.2.2.5. Violation of Other University Principles and Policies.**

Violation of other University principles or policies may result in disciplinary action.

##### **7.2.2.5.1 Abandonment of Position.**

Faculty members who substantially fail to perform any duties and who do not respond to inquiries regarding their status have abandoned their positions. In cases of abandonment, salary may be suspended by the Provost upon recommendation of a Faculty Review Board if the faculty member fails to respond to a charge of abandonment.

##### **7.2.2.5.2. Assisting Others in Violating University Rules.**

As exemplars for others on the campus, faculty may not assist others in material violations of university rules. This applies though the specific rule may not apply to faculty. For example, a faculty member should not assist a student in violation of the University Disciplinary Regulations applicable to students.

##### **7.2.2.5.3. Breach of the Computing Code of Ethics.**

Computational equipment has become a valuable tool for carrying out the mission of the institution. Faculty are expected to adhere to the university's Computing Code of Ethics. In particular, faculty shall not access data of others without authorization, nor take action intended to damage or interfere with computer equipment, software, databases and networks.

##### **7.2.2.5.4. Breach of Confidentiality.**

Faculty are entrusted with confidential information on students, colleagues, clients and research subjects. Unauthorized disclosure of personal information subject to restrictions on dissemination is a form of misconduct. With respect to information on students, faculty are expected to adhere to standards set by the Family Educational Rights and Privacy Act (FERPA). For more information about FERPA, contact the Office of the Registrar.

### 7.2.2.5.5. Breach of a Mediation Agreement.

Faculty members are expected to adhere to their commitments made as the outcome of a mediated agreement under the mediated procedure indicated below. Failure to do so may be determined to be misconduct.

### 7.2.2.5.6. Breach of Professional Ethics.

Faculty often are members of a profession based upon the subject of their expertise. Faculty are expected to uphold the standards applied the practice of their profession. For example, a professional counselor, whether of law, of psychology or other therapy is expected to adhere to the applicable ethical rules; a veterinarian is expected to adhere to the ethical rules applicable to veterinarians. Failure to do so may result in disciplinary action.

### 7.2.2.5.7. Deception.

Intentionally providing false information, orally or in writing, to others with the understanding that they may rely upon such information, is damaging to the trust placed in faculty. Alteration of documents used for official purposes is both a violation of law and is misconduct.

### 7.2.2.5.8. Interference with Disciplinary Procedures.

Faculty members may not intentionally interfere with disciplinary processes including the following acts:

- Destroying or concealing evidence;
- Providing false or misleading information;
- Intimidation of witnesses; or
- Promising rewards to witnesses for favorable testimony.

This section does not require a faculty member to testify against him- or herself under circumstances where the faculty member may incriminate him- or herself by testifying.

### 7.2.2.5.9. Misuse of Funds, Equipment and Facilities.

**Deleted: 7.2.2.5.8. Discrimination.** ¶  
Consistent with the University's policy against discrimination, faculty may not engage in discriminatory conduct prohibited by the University's [Discrimination and Harassment Policy](#). ¶

**Deleted:** This language is in effect and is being reviewed by the faculty senate handbook committee as of May 31, 2006. ¶

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The use of funds, equipment or facilities provided for a specific purpose for other than that purpose is a form of misconduct. Iowa law forbids the use of funds, equipment or facilities for personal gain or benefit, or for private gain or benefit without following procedures for approval and reimbursement.

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### 7.2.2.5.10. Misuse of Others' Intellectual Property.

Faculty have the obligation to respect the works of their colleagues and students. Use of others' unpublished work, even with attribution, is not acceptable unless it is clear that the author or owner claims no exclusivity in the work, or appropriate authorization has been granted. Faculty members are expected to comply with fair use rules in using copyrighted works of others.

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### 7.2.2.5.11. Other Policies.

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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, *Office Procedure Guide* 3.1(7), Uniform Rules of Personal Conduct (Iowa Administrative Code 681-9.1)(262) (2001),  
<http://www.adp.iastate.edu/vpbf/prod/docs/opg/chap3.htm#3.1.7>.

## 7.2.3. Addressing Claims of Misconduct

Conflicts or concerns that arise during the day-to-day functioning of the university are usually addressed through administrative channels. This involves bringing the concern to the attention of the appropriate administrator charged with responsibility for that academic unit (Chair, Dean, or Provost). An individual with a concern that a faculty member may be guilty of misconduct may bring the concern forward through these same regular administrative channels. The administrator is responsible for assessing the situation and, where appropriate, taking administrative actions to resolve concerns. The administrator may recommend the use of the complaint processes described below.

An individual with a concern that misconduct has occurred may also initiate a complaint through either the Mediated Process or the Formal Process delineated in this document. The Mediated Process is used to consider and resolve the issue through mediated discussion with the involved parties. The Formal Process begins with the presentation of a written complaint and involves peer review.

The procedures described below are designed to assess and resolve the conduct issues identified in this policy and are not intended to address grievances (9. Faculty Grievance Procedures).

## **7.2.4. Mediated Process**

### **7.2.4.1. Initiating the Process.**

The individual wishing to bring a complaint of misconduct to mediated resolution may do so by contacting a designated mediator identified on the WEB sites of the Faculty Senate or the Office of the Provost. Mediators are individuals designated for their skill and training in mediation and for their knowledge of the policies of the university. The goal of mediation is for an impartial party to work with the individuals to resolve a charge of misconduct outside of a hearing process. Successful mediation results in a written agreement among the parties.

### **7.2.4.2. Complaint Review and Processing.**

As part of the process, the mediator will discuss the procedural options with the complainant and the respondent. To enter into the mediated process, both the respondent and complainant must agree to follow the process outlined by the mediator. The mediator will arrange for a discussion of the issues and assist in developing a written plan to which the parties will agree. Mediators will consult with the appropriate administrators in the development of the agreement to receive advice on the impact of the resolution on the operations of the department or unit.

### **7.2.4.3. Resolution of Complaints.**

The written agreement will be provided to the parties, to the administrators responsible for overseeing the agreement, and the Provost. Chairs and Deans will keep such agreements in sealed files in a secure location separate from official personnel files. The documents and notes of the mediation process will be organized following good practice in mediation and will be retained for five years in the Provost's confidential files. They shall only be opened if the parties agree, or if there is an urgent need for access. Mediators may not be called on as witnesses, and notes and records of these proceedings (except for the agreement) may not be used as evidence in a grievance or a formal hearing except as provided by law.

If mediation is not successful a complaint may be filed through the formal complaint process.

## **7.2.5. Formal Complaint Process**

The formal complaint process is based upon peer review and respect for due process. It is an academic and not a judicial process. The goal is to determine the truth and to recommend and apply remedies and sanctions in keeping with the freedoms and responsibilities of the academic environment.

### **7.2.5.1. Filing Formal Complaints.**

To initiate the formal complaint procedure, the complainant will file a written complaint with the appropriate administrative officer as indicated below. Multiple complaints arising out of the same conduct, or a pattern of conduct, may be consolidated into a single complaint.

#### **7.2.5.1.1. Content of Formal Complaints.**

The complaint should include:

- The name, address, and telephone number of the complainant;
- The name and office of the individual(s) alleged to have engaged in misconduct;
- A short, plain statement of the alleged misconduct;
- The approximate date(s) on which the act(s) allegedly occurred;
- Persons known to have information relevant to the complaint;
- A statement of any provision of law, rule or policy believed to have been violated;
- Any other information which will assist in the investigation and resolution of the complaint; and
- The signature of the complainant.

Complaints may also indicate what action might be taken to address the alleged misconduct. Complainants are expected to cooperate by providing relevant information relating to the complaint if requested. Failure to cooperate may result in dismissal of the complaint.

#### **7.2.5.1.2. Offices Where Formal Complaints May be Filed.**

The following offices are designated to receive complaints against a member of the faculty:

- Any complaint of misconduct may be filed with the Office of the Provost; and
- Discrimination complaints, including those involving sexual, racial or ethnic harassment may be filed with the Office of Equal Opportunity and Diversity. The Office of Equal Opportunity and Diversity will inform the Provost of discrimination complaints against a faculty member within one day.

#### **7.2.5.1.3. Initial Steps by Provost.**

Upon receipt of a complaint, the Provost will immediately evaluate, in consultation with the respondent's Chair, and in appropriate cases, the Equal Opportunity and Diversity Officer (for discrimination complaints) or the Officer For Research Integrity (ORI) (for research misconduct cases) whether interim action should be taken in accordance with the

following section on interim action. The Provost will notify the complainant, the respondent and the respondent's Chair of the complaint, of any interim action taken, and will remind the respondent of his/her obligation not to take retaliatory action against the complainant or others involved with the complaint.

#### **7.2.5.1.4. Interim Action.**

There may be instances in which the Provost needs to take interim action pending investigation of the case. The Provost may take interim action if any of the following conditions exist:

- There is immediate physical danger to persons or property;
- There is reasonable indication of serious criminal violation;
- There is an immediate health hazard;
- There is immediate need to protect equipment or funds, including federal funds or federal financial assistance;
- There is immediate need to protect the safety or interests of the person(s) making the allegations, of witnesses or of the subject(s) of the allegations or his/her collaborators and associates; or
- There is a need to assure evidence is preserved or to prevent improper influence of witness testimony.

Interim action taken must be appropriate to the interests protected, and reasonably limited so as not to have an undue damaging effect on the faculty member. It is not in and of itself a sanction. Interim action may include:

- Restrictions on contact with persons;
- Limitation on access to certain areas of the campus;
- Reassignment of duties;
- Partial or total administrative leave with pay;
- Direction on conduct of activities; or
- Restrictions on university travel.

In cases where there is a reasonable indication of criminal violation related to academic misconduct allegations involving federal funding, the Provost will notify ORI for consideration of reporting to the relevant agency.

Except in cases of emergency, the Provost shall make a good faith effort to implement interim action through discussion with the faculty member prior to taking interim action. If an agreement is not reached, the Provost may impose interim action. If a faculty review board has not been appointed, the faculty member against whom interim action has been taken may request a review by the Provost. As indicated below, the Faculty Review Board will review all interim action.

The Provost will assist the Chair and the Dean in ensuring that that the interim action will have as little disruption of the teaching, research, or outreach activities of the department as possible.

## **7.2.5.2. Complaint Review and Resolution**

### **7.2.5.2.1. Inquiry of the Facts of the Complaint.**

The Provost will initiate a preliminary inquiry into the facts of the case or will assign the complaint to either the Equal Opportunity and Diversity Officer or to the ORI to carry out such an inquiry. The inquiry agent will examine the complaint and within two days will prepare for the Provost a preliminary analysis of the complaint and a recommendation on the nature and scope of the investigation needed.

Within two days after receiving the complaint the Provost will call for the formation of a Faculty Review Board to receive and review the complaint. The Faculty Review Board will consist of three members nominated from the faculty pool by the President of the Faculty Senate and confirmed by the Provost. The Faculty Senate President will review the complaint as filed and any additional pertinent information provided by the Provost before making the nominations. The President of the Faculty Senate and the Provost will seek an objective Board with sufficient depth of expertise and experience to understand the issues in the case. The members should not have any real or apparent conflict of interest in the case. At least two of the three members must be of an equal or greater rank than that of the respondent. In the unusual circumstance that appropriate membership is not available from the faculty pool, the President of the Faculty Senate will nominate additional members from the tenured faculty for confirmation by the Provost. The complainant and the respondent have the right to challenge the nominees to the Faculty Review Board. Challenges must be made in writing in no more than two days following the naming of the nominees. The President of the Faculty Senate and the Provost will determine the standing of the challenges. If nominees are successfully challenged the President of the Faculty Senate will submit additional nominees until three members are confirmed. The Faculty Senate President and the Provost will jointly name the chair of the Faculty Review Board.

The Provost and the Faculty Review Board will review the recommendation of the inquiry agent. If they conclude the case is a grievance they will refer the case to the Faculty Senate Council on Judiciary and Appeals. If they conclude the case is a case of misconduct, the Faculty Review Board and the Provost will decide on the nature and scope of the investigation and on the individuals who will carry out the investigation. They will assess any interim action taken by the Provost and will confer on whether this action should continue and/or whether any further or additional action is needed. The Faculty Review Board will work in conjunction with the investigating agent. When the faculty member has been charged with abandonment of position and has not responded to the charge the Faculty Review Board may recommend to the Provost the suspension of salary for the duration of the proceedings.

An investigation report will be prepared by the investigating agent and submitted to the chair of the Faculty Review Board within 30 days of the receipt of the complaint. The investigating agent may submit a request for an extension of this 30 day period to the chair of the Faculty Review Board who will transmit the request along with his/her recommendation to the Provost and the President of the Faculty Senate, who will jointly decide whether the extension should be granted. If an extension is granted the chair of the Faculty Review Board will inform all relevant parties. Extensions may be granted only for a fixed period and only for specific reasons. The Provost and ORI will be promptly advised of any development which discloses facts that may affect current or potential federal funding or otherwise affects the public interest.

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

After the investigative report is received, the Faculty Review Board will review the report and, if they are satisfied, 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. 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: 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 Provost agrees he/she will inform all relevant parties and the complaint will be referred to a Major Sanction Committee.

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. Witnesses may choose to participate by remote

video conferencing or by telephone. 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 unrelated to the original charge is presented, 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.

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.
- 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 from the receipt of the complaint from the Provost. 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.

### **7.2.5.2.3. Response of the Provost.**

The Provost will have 15 days to respond to the Faculty Review Board report. If the Provost disagrees with the recommendation of the Faculty Review Board, the Provost

must meet with the Faculty Review Board to discuss the reasons for the disagreement before taking any action.

The Provost will communicate to the chair of the Faculty Review Board, the respondent, and the complainant a final report containing his or her decision, and the reasons underlying that decision. If the Provost is issuing the final decision in a minor sanctions case, the Provost's report will describe what sanction is to be imposed, or the nature of any nondisciplinary corrective action to be taken.

The Provost will inform the Chair and Dean of the disposition of the case. When appropriate, the Provost will submit a report to the ORI describing the policies and procedures under which the investigation was conducted, the information obtained relevant to the investigation, the findings and the basis for the findings. The Provost will undertake reasonable measures to prevent retaliation against individuals who filed the complaint or who assisted in or participated in the misconduct process.

All proceedings will be confidential to preserve the integrity of the investigation and those involved. No public statement about the hearing or about the Faculty Review Board's recommendation will be disseminated. Public announcement of the findings and recommendations will be made at the discretion of the Provost. If the complaint is dismissed the Provost will undertake all necessary measures to restore the reputation(s) of the person(s) alleged to have engaged in misconduct immediately after the issuing of the final report.

### **7.2.5.3. Major Sanction Process.**

If a complaint is referred to a Major Sanction Committee the Provost will review the results of the previous investigation and the recommendations from the Faculty Review Board and will decide whether to accept that recommendation.

#### **7.2.5.3.1. Appointment of Major Sanction Committee.**

Within two days after accepting the recommendation, the Provost will call for the formation of a Major Sanction Committee to review the complaint. A Major Sanction Committee will be chosen from a list of nine nominees selected from the faculty pool by the Faculty Senate President and confirmed by the President of the University. The list of nominees will be presented within five working days after the Provost calls for the committee. Members of the Major Sanction Committee should have no real or apparent conflict of interest with the respondent. The Provost and the respondent faculty member each have the option of one preemptory challenge from the list so committee membership may vary from seven to nine members. Challenges must be made within five days after receipt of the list. No member of the Major Sanction Committee shall be chosen from the Faculty Review Board that previously reviewed the complaint. More than half of the members of the Major Sanction Committee shall be of equal or greater rank to respondent and, except in unusual circumstances, no member of the respondent's department shall

serve on this committee. The President of the Faculty Senate and the President of the University shall jointly appoint the chair of the Major Sanction Committee.

The Provost will provide the Major Sanction Committee with a statement of the charges. The Major Sanction Committee will review any interim action that has been taken and will confer with the Provost on whether this action should continue and/or whether any further or additional action is needed. If at any time the Major Sanction Committee concludes there is need for additional interim action, the committee shall make a recommendation to the President.

The Provost will inform the Chair and Dean of the respondent faculty member that a major sanction complaint has been made against that faculty member and of any interim action that is being taken. The Provost will assist the Chair and Dean in ensuring that there will be as little disruption of the teaching, research, or outreach activities of the department as possible.

At the same time the Provost calls for the formation of the Major Sanction Committee, - the Provost will also notify the respondent of the right to have the matter reviewed by an administrative law judge under the Iowa Administrative Procedure Act (an "APA hearing"). The respondent will have five days to make a choice of procedures. If the faculty member elects an APA Hearing, the provisions of Iowa Code Chapter 17A and Iowa Administrative Code Chapter 681-20 will apply instead of the *Faculty Handbook*, otherwise the hearing will be held before a Major Sanction Committee as provided by this policy.

The respondent shall be given a period of 20 days from the date of issuance of the charges in which to complete a response to the charges. The faculty member may request additional time from the Major Sanction Committee for this response. The faculty member may choose to waive the right to a formal hearing and allow a written statement to constitute his/her defense

### **7.2.5.3.2. Major Sanction Committee Response.**

The Major Sanction Committee will review the charge against the faculty member, the results of the investigation of this charge, the report of the Faculty Review Board, and the response of the respondent within 20 days after receiving the faculty member's response. The Major Sanction Committee may request additional written comments from any party, or may request additional investigation. If this requires additional time the Major Sanction Committee may extend their review for an additional 40 days, and will notify all parties of any extension and of the reasons for this extension. Extensions will be made only for a fixed period and only for specific reasons. After completion of its review the Major Sanction Committee shall hold a hearing. If the respondent waives his or her right to a formal hearing, the committee shall determine an appropriate recommendation on the basis of available information.

The Major Sanction Committee shall apprise the President and when appropriate the ORI, of any developments which disclose facts that may affect current or potential federal funding for individual(s) under investigation or that the relevant federal agency needs to know to ensure appropriate use of federal funds and otherwise protect the public interest.

### **7.2.5.3.3. Procedures Applicable to the Hearing.**

The Major Sanction Committee shall determine the procedures applicable to the hearing. The following discussion of procedures is a general guide, but the Major Sanction Committee shall have the right to amend them with the consent of both parties.

- Rules of Evidence. Formal rules of evidence applicable to court proceedings shall not apply. The Major Sanction Committee may give evidence different weight based upon its relevance and probative value. The Major Sanction Committee may determine that it will not consider evidence that it determines is irrelevant. The Committee shall respect legally recognized privilege such as that between attorney and client or physician and patient unless the person who has the right to assert the privilege waives the privilege.
- Closure of Hearings. The Hearing shall be closed.
- Communications to Major Sanction Committee. To assure the proceedings appear and in fact are fair, the parties are expected to communicate with the Major Sanction Committee and the Chair of the Major Sanction Committee in writing, with a copy to the other party, or in a manner in which the other party is able to participate.
- Exclusion of Witnesses. The Major Sanction Committee will not permit witnesses, other than the parties to be present during the questioning of other witnesses.
- Burden of Proof. Each allegation must be established by a preponderance of the evidence. The Major Sanction Committee shall base its decision upon the evidence presented to it during the proceedings.
- Presence of Advisors. The parties may have an attorney or other person present to advise them. A person who is the victim of the conduct of the respondent shall also have a right to the presence of an attorney or other person to advise them or to provide support. Attorneys, advisors, and supporters may not present any part of the case for the parties without the consent of the Major Sanction Committee.
- Right of Respondent to Attend. The respondent faculty member shall have a right to attend the hearing, the presentation of witnesses and opening and closing statements. With the consent of the Major Sanction Committee testimony of witnesses may be presented by remote video or telephonically. In the case of video or telephonic testimony, the parties shall both have a similar opportunity to view or hear the testimony.
- Record. The hearing will be recorded electronically or by use of a court reporter.
- Before the Hearing. The parties or the Major Sanction Committee may arrange for the exchange of lists of witnesses to be presented and documents to be presented.

The Major Sanction Committee may set up a pre-hearing conference to assist in presentation of the case.

- Order of Presentation at the Hearing. Unless otherwise directed by the Major Sanction Committee, the order of presentation of the case shall be:
- Preliminary Matters, including comments by the Major Sanction Committee, discussion of order of witnesses, and exchange of documents (if not completed before the hearing);
- Opening statement of the Provost's representative
- Opening statement of the respondent;
- Witnesses and evidence of the Provost's representative
- Witnesses and evidence of the respondent;
- Rebuttal witnesses and other evidence of the Provost's representative
- Rebuttal witnesses and other evidence of the respondent.
- Closing statement of the Provost's representative
- Closing statement of the respondent.
- After the Hearing. With the approval of the Major Sanction Committee, the parties may present written summaries. The Major Sanction Committee shall set the time for submission, no later than 10 days after closing of the hearing. When the committee is satisfied that each side has had a complete hearing, it shall retire in private to make its findings of fact and its recommendations.

#### **7.2.5.3.4. Report of the Major Sanction Committee.**

The report of the Major Sanction Committee will include a recommendation about the disposition of the case. The Major Sanction Committee 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 President impose a minor sanction or that nondisciplinary corrective action be taken.
- If they decide that the evidence is credible and that it supports the case, they may recommend that the President impose a major sanction.

The Major Sanction committee report will contain a description of the findings of fact and recommendations, together with a transcript of the record if requested. The report will be sent to the respondent and the complainant, who will have ten days to respond to the report. After receipt of the responses, or after ten days, the Major Sanction Committee will submit their report to the President with any responses attached. The complainant and the respondent will receive copies of any responses. The Major Sanction Committee will notify the Chair and Dean that the report has been submitted. The President must meet with the committee to discuss the recommendation.

Should the entire investigation, deliberation, and major sanction hearing process not be completed within 120 days of the Major Sanction Committee receiving the complaint, a request for extension must be filed with the President. The President will notify the ORI

of any extension. The request will include an explanation for the delay, an interim report on the progress to date, an outline of what remains to be done, and an estimated date of completion.

### **7.2.5.3.5. Response of the President.**

The President will have 15 days to respond to the Major Sanction Committee report. If the President and the committee disagree, the President must meet with the committee before taking action to discuss the reasons for disagreement. After this meeting, the action shall be taken within 15 days.

The President will present to the chair of the Major Sanction Committee, the respondent, and where appropriate the ORI, a final report containing his or her decision, describing the action to be taken, and giving the reasons underlying the decision. The President will inform the Provost, the Dean, and the Chair of the respondent of the action being taken. If the faculty appointment is terminated the President shall set the date of termination. The President will undertake all necessary measures to prevent retaliation against individuals who filed the complaint or who assisted in or participated in the misconduct process.

All proceedings will be confidential to preserve the integrity of the investigation and those involved. No public statement about the hearing or about the Major Sanction Committee's recommendation will be disseminated. Public announcement of the findings and recommendations will be made at the discretion of the President. If the complaint is dismissed the President will undertake all necessary measures to restore the reputation(s) of the person(s) alleged to have engaged in misconduct immediately after the issuing of the final report.

### **7.2.5.4. Records.**

In all cases of formal complaints, the Provost's office shall maintain detailed documentation of the case for a minimum of three years. The record shall include the complaint, the report of the investigation, the Faculty Review Board report, the Provost's response, the Major Sanction Committee report, the response of the respondent and the complainant, the Provost's response to the report, and the President's report. Access to the records will be provided to authorized personnel on request.

## **7.2.6 Processes for Appeal**

After a decision has been made in a misconduct case this decision may be appealed using either internal or external appeals processes described in the *Faculty Handbook*. To avoid unnecessary and multiple appeals and grievances, any party with concerns about hearing procedures should make those concerns known during the hearing procedure, and those issues shall be considered by the person(s) then making the recommendation or decision. Simultaneous appeals cannot be made on the same case.

### **7.2.6.1. Appeals to the President.**

Disciplinary action taken by the Provost may be appealed in writing to the President within 20 days following receipt of the Provost's decision or, in case an appeal is filed with the Faculty Senate Judiciary and Appeals council, 20 days after being informed of their decision. The appeal should include a statement of reasons for the appeal, with references to the evidence that supports the appeal.

### **7.2.6.2. Appeals to the Board of Regents.**

Decisions of the President may be appealed to the Board of Regents. The respondent may appeal an adverse finding by the President to the Board of Regents no later than 20 days following receipt of the President's decision, or of the conclusion of an internal appeal, by filing the appeal with the Office of the President for transmission to the Board. The Board of Regents has final power in matters of faculty discipline. The appeal should include a statement of the reasons for the appeal, with references to the evidence that supports the appeal.

### **7.2.6.3. Appeals to the Courts.**

Decisions of the Board of Regents may be challenged by filing a petition for judicial review in Iowa District Court. State law and Iowa court rules determine the procedure for filing and handling such challenges.

### **7.2.6.4. Request to Reopen.**

The respondent may request to have his/her case reopened under the following circumstances:

- New evidence is discovered that was unavailable at the time of the hearing, and the new evidence clearly undermines confidence in the findings; or
- Evidence is discovered that a party provided false or misleading evidence on a key issue and this evidence clearly undermines confidence in the findings.

The request to reopen the case will be rejected if the evidence was raised during a hearing or appeal of the disciplinary action, and the hearing or appellate authority adequately considered the matter in making its decision. Requests to have a case reopened should be made to the Provost for minor sanctions or to the President for major sanctions.

### **7.2.6.5. Faculty Senate Appeals.**

The respondent may file an appeal with the Faculty Senate Judiciary and Appeals Council if he or she believes there was egregious procedural error, which fundamentally undermined the hearing process. The Judiciary and Appeals Council will examine only

the procedural issues raised in the appeal. Such appeals may be rejected if the respondent knew of the defect in the procedures during the proceeding and failed to bring it to the attention of the hearing or appellate body. Should the Judiciary and Appeals Council conclude that egregious procedural errors were made they may recommend to the Provost (for minor sanctions) or the President (for major sanctions) that the case be reopened.

Appeals to the Judiciary and Appeals Council must be made within 20 days after the respondent is informed of the sanction decision.

### **7.2.6.6. Appeals following an APA Hearing.**

If an APA Hearing is held, the exclusive process for appealing is provided in Iowa Code Chapter 17A and in Iowa Administrative Code Chapter 681-20.

## **7.2.7. Definitions**

### **7.2.7.1. Administrative Leave.**

Administrative leave is defined as removal from some or all university duties with no reduction in salary. Administrative leave is not considered a sanction, but instead is an interim action used to protect the institution, the investigation of a case, or individuals involved in a case during the conduct of an investigation or hearing.

### **7.2.7.2. APA Hearing.**

When a case is deemed serious enough to warrant a major sanctions hearing, the faculty member will be given an election to receive a formal hearing under the Iowa Administrative Procedure Act (Iowa Code Chapter 17A). Such hearings, also called "contested cases," are held before a state Administrative Law Judge. The Administrative Law Judge will hold the proceedings in accordance with found in Chapter 17A of the Iowa Code, and Iowa Administrative Code Chapter 681-20.

### **7.2.7.3. Days.**

In all references to "days" in this document, the reference shall be to working days, that is, days the University offices are open for business (even though classes may not be held).

### **7.2.7.4. Faculty Member.**

Reference to "faculty" includes all members of the faculty as defined in Article I of the Faculty Senate Constitution, [http://www.facsen.iastate.edu/documents/constitution/const\\_approved\\_feb\\_24.html](http://www.facsen.iastate.edu/documents/constitution/const_approved_feb_24.html). This

includes individuals simultaneously holding faculty rank and administrative positions. All faculty members who hold administrative appointments whose titles contain the term president, provost, or dean are ineligible for appointment to the faculty pool or to serve on a Faculty Review Board or a Major Sanction Committee. Chairs are ineligible for appointment to the faculty pool or to serve on a Faculty Review Board or a Major Sanction Committee.

#### **7.2.7.5. Faculty Panels.**

A pool of at least 25 tenured faculty members will be identified by the Faculty Senate President and confirmed by the Provost for service on Faculty Review Boards and Major Sanction Committees. Individuals will serve a three-year term and are eligible for reappointment. The pool should include a broad range of individuals representing the ethnic, racial, gender, and disciplinary diversity of the university. Individuals should be selected for their ability to bring independence and impartiality to the proceedings and for their stature and respect gained in the course of their professorial work. In cases of alleged academic misconduct individuals may be selected for their professional expertise. Agreement to serve carries with it the responsibility to provide diligent service when asked. Each May the Faculty Senate President will confirm the continued availability of those whose terms are not yet complete and will provide names to the Provost to complete a full slate of pool membership.

Compensation will be made to members of either a Faculty Review Board or a Major Sanction Committee for work on any day that is not in accord with the B-Base contract.

#### **7.2.7.6. Major Sanctions.**

For the purpose of this document, major sanctions consist of: dismissal, suspension without pay for at least one month, reduction in salary, removal of graduate supervision privileges, cancellation of graduate college membership, removal of distinguished titles, reparations of \$2,000 or more, or significant reassignment of duties.

#### **7.2.7.7. Minor Sanctions.**

For purposes of this document, minor sanctions consist of: probation, suspension of less than one month without pay, minor reassignment of duties, mandatory training, a probationary period, letters of reprimand, restrictions on contact with the complainant, mandatory training, or reparations of less than \$2,000.

#### **7.2.7.8. Non-disciplinary Corrective Action.**

Non-disciplinary corrective action may include issuance of a letter of direction, requiring the faculty member to review relevant policies, requiring attendance at training, or similar action. Non-disciplinary corrective action may be suggested or required by a department

chair independent of the disciplinary process as a means of assuring a faculty member is aware of the law or institutional policy.

### **7.2.7.9. Reassignment of Duties.**

Reassignment may occur as a result of action other than discipline. For example, elimination of a program may require reassignment. It is not intended that the disciplinary procedures should be used for reassignment for other than disciplinary reasons.

### **7.2.7.10. Suspension.**

Suspension is defined as severing of a university responsibility without pay. Total suspension is defined as total severing of all university responsibilities without pay.

# Faculty Handbook - 8. University Community Policies

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

## 8.1. Board of Regents Policies

## 8.2. Policies on Personal Conduct

### 8.2.1. Policy on Discrimination and Harassment

### 8.2.2. Policy on Conflicts of Interest

#### 8.2.2.1. Principles

#### 8.2.2.2. Legal Provisions: Iowa Code

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#### 8.2.2.4. Purpose

#### 8.2.2.5. Relationships

#### 8.2.2.6. Consulting Activity

#### 8.2.2.7. Equity Interest

#### 8.2.2.8. Management Role

#### 8.2.2.9. Assessment of Potential Conflicts

#### 8.2.2.10. Consulting Activity

#### 8.2.2.11. Equity Interest

#### 8.2.2.12. Management Role

#### 8.2.2.13. Multiple Interests or Roles

#### 8.2.2.14. Disclosure

#### 8.2.2.15. Review of Disclosures

#### 8.2.2.16. Special Cases

#### 8.2.2.17. Remedies

#### 8.2.2.18. Sanctions

### 8.2.3. Code of Computer Ethics

## 8.3. Policies on Professional Activity

### 8.3.1. Review of Research Projects - Human Subjects

### 8.3.2. Review of Projects/Courses - Live Vertebrate Animals

### 8.3.3. Grants and Contracts

### 8.3.4. Classified Research

### 8.3.5. Consulting

### 8.3.6. Policy on Educational Material and Intellectual Property

#### 8.3.6.1. University-sponsored Educational Materials

#### 8.3.6.2. Preamble

#### 8.3.6.3. Policies

#### 8.3.6.4. Ownership of Course-related Presentations

#### 8.3.6.5. Intellectual Property: Policies and Procedures

#### 8.3.6.6. Royalties for Instructional Materials

#### 8.3.6.7. Required Readings/Textbook Selection

### 8.3.7. Purchases of Goods or Services from Employees

#### 8.3.7.1. Conflict of Interest Vendors

Deleted: ¶

Deleted: Sexual

Deleted: Racial and Ethnic Harassment

Deleted: 8.2.3. Policy on Conflicts of Interest

Deleted: 3

- 8.3.8. Trademark Management Policy
  - 8.3.8.1. Goals
  - 8.3.8.2. Management
- 8.4. Basic Operating Policies and Procedures
  - 8.4.1. Non-Discrimination/Affirmative Action Policy
    - 8.4.1.1. Policy and Guidelines
    - 8.4.1.2. Sources of Support
  - 8.4.2. Inclusive Language Policy
    - 8.4.2.1. Policy and Guidelines
    - 8.4.2.2. Sources of Information
  - 8.4.3. Drug Free Workplace
    - 8.4.3.1. Policy and Guidelines
    - 8.4.3.2. Sources of Information
  - 8.4.4. Occupational Safety Policy
    - 8.4.4.1. Policy and Guidelines
    - 8.4.4.2. Sources of Information
  - 8.4.5. Policy on Smoking
    - 8.4.5.1. Policy and Guidelines
    - 8.4.5.2. Sources of Information
  - 8.4.6. Travel Regulations
    - 8.4.6.1. Policy and Guidelines
    - 8.4.6.2. Sources of Information
  - 8.4.7. Gifts to Faculty
  - 8.4.8. Policy Regarding Open Meetings at Iowa State
    - 8.4.8.1. Unlisted Committees.
    - 8.4.8.2. University Councils and Committees
    - 8.4.8.3. Athletic Council and Leopold Center Advisory Board
  - 8.4.9. Employment Related Liability
  - 8.4.10. Policy and Information References

## **8.1. Board of Regents Policies**

The Board of Regents, State of Iowa, is charged by law with the responsibility for the governance of the public universities of Iowa. In line with this responsibility, the Board adopts rules and policies of personal conduct for faculty, staff, students and visitors. Those rules and policies can be found in the Board of Regents Procedural Guide and the Iowa Administrative Code.

Violation of these policies, may be considered faculty misconduct and will be dealt with following the procedures in the faculty conduct policy.

## **8.2. Policies on Personal Conduct**

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

Deleted: Sexual

### 8.2.1. Policy on Discrimination and Harassment

[Iowa State University's Discrimination and Harassment Policy](http://policy.iastate.edu/policy/discrimination/)  
[http://policy.iastate.edu/policy/discrimination/ prohibits all members of the University community to engage in actions defined as harassment.](http://policy.iastate.edu/policy/discrimination/)

### 8.2.2. Policy on Conflicts of Interest

Section 8.2.2. was approved by the Faculty Senate on 11/07/95.

As a land-grant institution with a strong commitment to research and outreach, Iowa State University and its employees have traditionally interacted with government bodies, private companies and individuals external to the institution. As interest grows in stimulating technology transfer and encouraging economic development, the number and types of external relationships will grow correspondingly. The complexity of Iowa State's increasing interactions with non-university entities confronts faculty and staff members with a variety of issues and concerns. Central to these is ensuring that all parties to an agreement are fully aware of any personal or contractual relationships that might have relevance to or compete with a particular project.

Violation of the conflict of interest policy may be considered faculty misconduct and will be dealt with following the procedures in the faculty conduct policy.

**Deleted:** Iowa State University's Discrimination and Harassment Policy prohibits sexual harassment by all members of the University community. ¶ This language is in effect and is being reviewed by the Faculty Senate Handbook Committee as of May 31, 2006. ¶  
**8.2.2. Policy on Racial and Ethnic Harassment ¶**  
Iowa State University's Discrimination and Harassment Policy prohibits racial and ethnic harassment by all members of the University community. ¶ This language is in effect and is being reviewed by the Faculty Senate Handbook Committee as of May 31, 2006. ¶

Deleted: 3

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Deleted: 3

#### 8.2.2.1. Principles.

A conflict of interest may take various forms but arises when a faculty or staff member is or may be in a position to influence the university's business, research, or other decisions in ways that could lead to any form of personal gain for the faculty or staff member or others closely associated with that university employee.

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#### 8.2.2.2. Legal Provisions: Iowa Code.

All university employees should be aware of any possible conflict of interest situations or activities that are prohibited in Code of Iowa Chapter 68B entitled "Conflicts of Interest of Public Officers and Employees." It is impermissible for employees to use state facilities, equipment, supplies and employees for the employee's private advantage or financial benefit, unless those services are generally available to the public on the same basis. Iowa Code 68B.2A. It is also impermissible to use, or to allow private use (regardless of whether the employee has private business purpose) of the state's facilities, equipment, supplies or employees for private purposes and personal gain to the detriment of the state. Iowa Code 721.1(5).

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#### 8.2.2.3. Legal Provisions: Federal Guidelines.

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In addition to the conflict of interest guidelines stated above, Office of Management and Budget (OMB) Circular A-110, Attachment 0, imposes additional requirements on federally funded acquisitions concerning conflict of interest situations. It states: "No employee, officer, or agent shall participate in the selection, award, or administration of a contract supported by federal funds if a real or apparent conflict of interest would be involved. Such a conflict would arise when the employee, officer, or agent, any member of his/her immediate family, his/her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in the firm selected for an award. The officers, employees, and agents of the recipient shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, or parties to subagreements.

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### 8.2.2.4. Purpose.

This policy is to provide a mechanism for the following:

- identifying conflicting non-university relationships
- informing those with a need to know about conflicting relationships through disclosure
- taking remedial steps to protect the interests of all concerned

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### 8.2.2.5. Relationships.

The nature of faculty and staff relationships varies widely, so it is not possible to define precisely and exhaustively all situations in which a potential conflict of interest may arise. The following categories do not constitute an exclusive listing, but they do represent the most prevalent types of relationships.

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### 8.2.2.6. Consulting Activity.

It is common for faculty and staff members to serve as consultants for non-university entities. Depending upon the entity and the nature of the activity, consulting may not cause any conflict of interest for a university employee. Payment or a retainer for a consultant's time and expertise is appropriate in many instances.

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### 8.2.2.7. Equity Interest.

University employees are free to own stock in private companies, and relatively modest holdings are not a matter of university concern. An employee who holds equity in or stock options which represent more than \$10,000 or five percent of the total company equity is considered to have an equity interest in that company.

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### 8.2.2.8. Management Role.

A university employee may serve as a director, scientific director, board member, or line officer or hold another management position in a company.

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### 8.2.2.9. Assessment of Potential Conflicts.

A faculty or staff member's consulting relationship with, equity interest in, or a management role within a non-university entity does not necessarily constitute a conflict of interest. A potential conflict may arise, however, when such relationships interfere or compete with one another or with an employee's relationship to the university. Again, because of the variety of possible combinations and complexities, it is not feasible to describe all potentially conflicting situations. Therefore, the following are to be viewed only as examples of relationships that may require disclosure.

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### 8.2.2.10. Consulting Activity.

A potential for conflict arises when an individual seeks or is awarded a contract for sponsored research through the same entity for which paid consulting is being or has been done. Similarly, if one person is serving as a consultant for two or more clients who are themselves in competing or conflicting relationships, then the potential for a conflict of interest does exist. (8.2.2.5. Relationships)

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### 8.2.2.11. Equity Interest.

As with consulting, the existence of an equity interest does not alone constitute a conflict of interest. But if an employee with such an interest is asked to consult for or is provided research funding from that company or one of its competitors, then the potential for a conflict of interest does exist.

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### 8.2.2.12. Management Role.

If the management role is directly related to research, marketing, or other activities either for the university or for a competing company, then the potential for a conflict of interest does exist.

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### 8.2.2.13. Multiple Interests or Roles.

An individual faculty or staff member may simultaneously become involved in consulting relationships, have equity holdings, and serve as an officer in one or more companies. Each of these relationships may well be independent of all the others and no conflict among them may exist. The independence or interdependence of such relationships may be difficult to assess, however, unless the individual fully discloses the nature and extent of the relationships.

### 8.2.2.14. Disclosure.

All parties participating in relationships involving university employees and non-university entities should be fully aware of the nature of those relationships if a potential for conflict exists. It is the responsibility of the individual who has entered into potentially conflicting relationships to disclose to his or her department chair or immediate supervisor the nature and degree of such relationships.

The following two avenues for disclosure are available:

- On a Gold Sheet. Researchers who submit contract or grant proposal forms (Gold Sheets) must indicate on those forms whether they believe that the proposed activity will constitute a conflict of interest. If they do so indicate, they must inform chairs or other immediate supervisors of the details of the potential conflict. Disclosure is automatically required if the Iowa State University (ISU) employee has an equity interest or a management role in a company supporting research.
- Directly to a Chair/Supervisor. If a faculty or staff member enters into an agreement to provide services such as consulting with non-university entities which do not normally require a Gold Sheet, then any necessary disclosures should be made directly to the chair/immediate supervisor. Disclosure is automatically required if the ISU employee has an equity interest or a management role in a company involved in the consulting activity.

*Form of the Disclosure.* A faculty or staff member may use the form included in the *Office Procedure Guide* or write a memo addressed to the chair or immediate supervisor, defining the nature and extent of any relationships and identifying the entities with which the relationships exist. Documentation such as a contract, letter, or other communication that specifies the nature and extent of the university employee's obligation and duties may be included as part of the disclosure.

*Timing of the Disclosure.* Disclosures should be made as early as possible to enable those reviewing them to consider what action, if any, needs to be taken regarding any potential conflicts of interest. At the latest, a disclosure statement should accompany the submission of a contract or grant proposal when it is submitted to a chair for his/her approval.

### 8.2.2.15. Review of Disclosures

*Departmental Level.* A department chair is responsible for reviewing any disclosures made. If, in his/her opinion, no potential or actual conflict of interest exists, further review is unnecessary. Where a potential or actual conflict exists, the chair must decide if it is serious enough to require intervention or mediation. A chair may choose to rely on the advice of a departmental ad hoc peer review committee to assist in the evaluation. Information contained in a disclosure statement accompanying a proposal shall remain

confidential. If a contract or grant is awarded, however, any relevant disclosures shall be made public and the contracting or granting entity be informed. For employees not affiliated with an academic department, the immediate supervisor serves in place of a chair as the reviewer of disclosures.

**College Level.** If a chair is unable or unwilling to deal with the actual or potential conflicts of interest that a disclosure reveals, then he/she should forward the disclosure to the appropriate college dean for review. As in the case of departmental review, if a dean believes that no conflict of interest exists, further review is unnecessary. Where a potential or actual conflict exists, the dean should decide if it is serious enough to require intervention or mediation. A dean may choose to rely on the advice of a college-constituted committee in reviewing disclosures. For employees not affiliated with an academic department, the immediate supervisor may forward disclosures to the administrator to whom he/she reports.

**University Level.** If a dean or other administrator is unable or unwilling to deal with the actual or potential conflicts of interest that a disclosure reveals, then he/she should forward the disclosure to the provost for review. The provost will seek advice from a university committee constituted for that purpose to determine whether a conflict of interest exists and is serious enough to require intervention or mediation. For employees not affiliated with an academic unit, the vice president to whom their unit ultimately reports rather than the provost is responsible for review at this level. If a conflict is deemed to be unavoidable or unmanageable, the university Contracts and Grants Office will notify the potential funding agency of the problem.

**Appeal.** If a faculty or staff member disagrees with a decision made at the departmental or college level, he/she can request that the disclosure be referred for review to the higher administrative level as described above.

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## 8.2.2.16. Special Cases.

When the university engages in activities with university-employee-owned companies, a potential conflict of interest is possible in these relationships. Board of Regents policy requires prior approval from the Regents before the university can make purchases from a company owned by an employee or an employee's immediate family. Oversight of research relationships with such companies comes under the Conflict of Interest Policy and requires special considerations. The university encourages interested employees to engage in entrepreneurial activities as a way of contributing to the economic development of Iowa. Occasionally, an employee-owned company will wish to establish a research relationship with the university and its employees. The university is willing to work with such companies on the same basis as work done with companies not owned by university employees. To ensure that such relationships do not harm either the university or its employees, special oversight is required.

Research relationships with ISU employee-owned companies usually take one of the following three forms:

- University Research is Sponsored by the Company. A committee of technically knowledgeable but disinterested faculty or staff is established by an administrator at or above the level of dean. The committee will oversee the integrity of the research and assure the university that the work being done is that to which the university agreed.
- The Company, in Exchange for a Fee, Uses University Facilities and/or Equipment. Appropriate fees must be established by the department (unit) head responsible for the facility and/or equipment and must be approved by the vice president for business and finance. Fees should be reasonable and in line with those charged for use by companies not involving ISU employees. A record of amount of use shall be maintained.
- The Company Employs Individuals who are Simultaneously University Graduate Students. The Program of Study committee and/or a committee named to oversee research shall be notified of the potential conflict and the student's work for the dissertation or thesis shall be monitored to assure that the quality of the student's research and graduate experience is not compromised by the connection to the company. Generally, it is inadvisable for the student's advisor to be the student's employer or supervisor in the employee-owned company, but exceptions can be sought from the chair.

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### 8.2.2.17. Remedies.

At any point in the process of reviewing disclosures, a chair, dean, provost or relevant nonacademic supervisor may conclude that remedial steps should be taken to protect the interests of all parties involved and to limit the negative impact of any unavoidable conflicts of interest. Such remedies may include but are not restricted to the following:

- an agreement signed by all interested parties that none of them perceive a conflict to exist
- public disclosure by the university employee of the conflicting interests. For example, a journal article or public presentation should include a statement disclosing information about any financial support, consulting fees or other payments from any company which sponsored or supported the research described or which might benefit from the results of that research.
- an agreement by the university employee (a) to withdraw from any existing consulting or management relationship which appears to conflict with a new relationship or (b) to sell or otherwise dispose of any equity interest in conflicting enterprises
- the negotiation of a suitable leave of absence, reduction of appointment, or other arrangements with the university which will reduce or eliminate the conflict of interest as it relates to a particular employee.

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### 8.2.2.18. Sanctions.

As noted above, disclosure is the responsibility of the faculty or staff member who becomes involved in activities that may be in conflict. Failure to disclose those relationships is a serious matter that may, in certain instances, be considered an act of academic misconduct. Consequently, an allegation of a failure fully to disclose a potential conflict of interest should be brought to the attention of the university's officer for research integrity (ORI). The ORI will handle the matter in accordance with the Procedure for "Addressing Claims of Misconduct". ([7.2.3. Addressing Claims of Misconduct](#)). Employees who are not faculty members may be subject to the conduct policies outlined in the *Professional & Scientific Handbook*.

### **8.2.3. Code of Computer Ethics**

Section 8.2.3. was endorsed by the Faculty Senate on 5/05/92.

Iowa State University endorses the following statement of Software and Intellectual Rights that was developed through EDUCOM, a non-profit consortium of colleges and universities committed to the use and management of information technology in higher education.

"Respect for intellectual labor and creativity is vital to academic discourse and enterprise. This principle applies to works of all authors and publishers in all media. It encompasses respect for the right to acknowledgment, right to privacy, and right to determine the form, manner, and terms of publication and distribution."

Because electronic information is volatile and easily reproduced, respect for the work and personal expression of others is especially critical in computer environments. Violations of authorial integrity, including plagiarism, invasion of privacy, unauthorized access, and trade secret and copyright violations may be grounds or sanctions against members of the academic community.

Extensive guidelines that govern ethical computer use at Iowa State University are also part of the Code of Computer Ethics maintained by the Office of Academic Information Technologies, <http://policy.iastate.edu/it/ethics/>.

Violators of the code may be billed for illegal use of the computer systems and may be prosecuted for statutory violations, including Iowa Code Chapter 716A, "Computer Crime."

## **8.3. Policies on Professional Activity**

### **8.3.1. Review of Research Projects - Human Subjects**

The Institutional Review Board, formerly known as The University Committee on Human Subjects in Research, reviews any research that involves human subjects. This board reviews and acts on all protocols related to the use of human subjects in research

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and reports to the office of the vice provost for research and advanced studies. The board has representatives from various areas within the university and includes a member from the community. The committee conducts protocol reviews to ensure that appropriate guidelines are followed, including federal regulations (Code of Federal Regulations, Title 45, Part 46 - Protection of Human Subjects; as published in the Federal Register on July 18, 1991). Forms must be completed by the researcher and reviewed and approved by the board before any research involving human subjects is initiated, <http://www.compliance.iastate.edu/irbForms.aspx>.

### **8.3.2. Review of Projects/Courses - Live Vertebrate Animals**

The Committee on Animal Care (COAC) evaluates for compliance with federal law and university policy all proposed teaching and research involving the use of live vertebrate animals to be conducted by faculty, staff or students, <http://www.compliance.iastate.edu/ComplianceWeb/coacProcedures.aspx>.

To initiate review of research projects a Protocol Review Form Use of Animals in Research must be submitted to the Laboratory Animal Resources (LAR) office, (<http://www.lar.iastate.edu/>) This form must be submitted and approved by COAC before any animals are used. The COAC must be informed in writing of any changes in a previously approved protocol. COAC approval must be renewed annually for ongoing projects.

A Protocol Review Form - Use of Animals in Teaching must be approved by the COAC prior to the use of live animals in a course. COAC approval must be renewed annually. Instructors are expected to be familiar with the Guidelines for the Use of Live Vertebrate Animals in Teaching. (<http://www.coac.iastate.edu>) COAC approval of all procedures involving live vertebrate animals must be obtained before any animals are used. About three weeks should be allowed for approval. Questions regarding the Protocol Review Forms and the review process may be directed to the LAR office. (<http://www.lar.iastate.edu>)

### **8.3.3. Grants and Contracts**

The university regularly receives funds (gifts, grants and contracts) from industry, private sources, governmental agencies, and foundations to support various university activities. Such funds are frequently designated for scholarships, equipment, research, or training. Gift and grant funds are accepted only when they may be used in fields authorized by the laws of Iowa and by the regulations of the Board of Regents.

Funds to support contractual research will be accepted when the work involves an area where there are qualified staff members and adequate facilities, and when the research contemplated will be of benefit to the university, the State of Iowa, and/or the public in

general. All awards offered must be reported to the Office of Sponsored Programs Administration: <http://www.ospa.iastate.edu/>.

### **8.3.4. Classified Research**

The university discourages classified research. Any grant or contract that would restrict disclosure of research results must be approved by the vice provost for research before it is accepted. Faculty or staff members acting as principal investigators are responsible for calling to the attention of the administration any restrictions that would limit the use and distribution of information resulting from research for which they are responsible.

### **8.3.5. Consulting**

Members of the staff are often asked to give advice or counsel to private agencies or individuals, and sometimes they are invited to do so on a continuing basis for pay under arrangements commonly referred to as consulting. Iowa State University endorses consulting by faculty members in areas related to their academic fields of expertise, with the understanding that all members of the professional staff render full-time professional service to the university during the periods of their appointment. The decision of staff members to engage in outside work for pay depends upon the nature of their responsibility to the university and the conditions of their appointment, whether the outside work contributes to a better understanding of their professional field, whether the university's standing is enhanced by their outside contacts and services, and most important, whether the consulting work can be done without interfering with their regular university duties. A staff member may undertake consulting work only after the proposed work has been mutually agreed to by both the staff member and his/her department chair.

Employees who do consulting or otherwise have outside business interests should take care that their actions do not result in use of state funds, facilities, equipment or time subsidizing these outside interests. Failure to properly separate these activities can result in violation of Iowa Code 68B.2A and 721.2. For consulting policy, see *Office Procedure Guide*, <http://www.adp.iastate.edu/vpbf/prod/docs/opg/chap3.htm#3.1.5>.

Employees are also not permitted to receive compensation from persons for performing those duties which the employee is obligated to perform for the University or the state. Iowa Code 68B.2A(1).

Staff members are required to report annually, through their department chair, to the dean of their college the amount of time they have spent on consulting or other professional work for which compensation has been received from other than university sources. The nature of the service performed and the source of the outside remuneration should be indicated. Staff members are not permitted to receive additional compensation for time spent on a university-administered grant or contract, except with prior approval of the provost: <http://www.provost.iastate.edu/faculty/resources/faculty-consulting-policy.html>.

## **8.3.6. Policy on Educational Material and Intellectual Property**

### **8.3.6.1. University-sponsored Educational Materials.**

Authors of educational materials, such as books or audiovisual materials produced under university sponsorship or with substantial university assistance, are expected to assign the rights to the university, with the author receiving an appropriate share of the income as defined by prior agreement.

Section 8.3.6.1. was approved by the Board of Regents, State of Iowa on 3/12/76.

Note: Sections of this document refer to procedures, university offices and documents that have changed or been renamed. This does not affect the intent or status of the policy. The complete text of this document is on the ISURF web page, <http://www.techtransfer.iastate.edu>.

### **8.3.6.2. Preamble.**

The development of educational materials is a natural and desirable output of intellectual activity. The creation of educational materials, such as textbooks, by the faculty, staff, and students at Iowa State University has always been encouraged and has resulted in the availability, through commercial channels, of numerous books, laboratory manuals, and other printed materials of real value to the educational process, teaching, and research on a worldwide basis.

Creation of such works has come about through the extra effort expended by faculty and staff members who concurrently have satisfied their normal employment commitments with the university to teach, do research, or carry out administrative functions. The works created have been due to the efforts of one individual (or a small informal group), with the university providing encouragement and support through the unrestricted use of the employee's office, library facilities, assistance in the preparation of graphs and charts, minor secretarial assistance and other similar services to assist in the production of the work. Professional Development Assignments have been, and continue to be, granted to faculty where the desire of the grantee has been to create a written work.

Such expressions of ideas through the written word result in manuscripts which are, under Iowa law, the sole property of the author to dispose of as he/she may wish. The only exception to this has been those works created by individuals employed for the specific purpose of writing such works. Through years of development and trial, the freedom to create such works and the encouragement by the university for faculty and staff members to do so, has resulted in the desirable practice described above.

This practice has come to be known as the traditional textbook policy at Iowa State University. No change from this policy is anticipated by this document. Because of advancing technology, and the recognition of the value of audio and visual aids in education, new forms of educational materials have come into existence at Iowa State University. Motion pictures, slides, and videotapes are examples of such valuable educational materials. While most often developed for internal use at Iowa State University, these educational materials are often in a form that directly meets educational needs at other universities or educational facilities elsewhere in the United States and in other countries. On the other hand, these new forms of educational materials, due to their nature, require a more substantial level of direct support by the university to allow their creation.

The new technologies involved require not only the initial creative effort of an author, but often the additional services of a variety of specialists, equipment, and production facilities. The cost of such services and facilities to adapt the author's creative effort into a desired medium may be substantial, and requires the expenditure of significant university funds by a college or department. It is also true that the author must spend extra time and effort, and even learn new skills, to assure that a high-quality final educational product will result.

In the production of these new forms of educational materials, the proportional investment of time and money by the author and the university varies substantially from that involved under the traditional textbook policy. Accordingly, one purpose of this document is to set forth an equitable basis for voluntary agreement between the university and prospective authors (faculty and staff members employed in the variety of departments and colleges at the university) when educational materials are to be developed for internal and external use. It is a further purpose of this document to structure a practical mechanism for the implementation of such agreements, to the benefit of all parties involved.

It is possible that textbooks could be developed under this policy, but in a manner different from the traditional textbook policy. In such a situation, and with the expressed and voluntary written agreement of the faculty or staff member, the university might desire to have a textbook written to meet an educational need, employing the faculty member on a release-time basis to write the needed text. In such a situation, this policy would be used to provide a mechanism for the equitable distribution of income from the sale of the text to others.

This policy is not intended to be retrospective, or to lay any claim to works developed in the past under traditional or nontraditional ways. This policy is prospective. It is somewhat flexible and open to interpretation purposely in some aspects, since not all situations can be anticipated. But above all, it is a basis for voluntary agreement on an equitable basis for meeting new and changing demands for superior education materials - a common goal of every employee of Iowa State University.

### **8.3.6.3. Policies**

- Iowa State University encourages the development of educational materials to assist in meeting its responsibilities for academic instruction, extension, and research.
- The university encouragement is provided by assistance in the preparation of such materials (through salary support, stenographic services, materials and supplies, art work, filming, and other services) as authorized by the appropriate administrative officer(s).
- The university recognizes the vested rights of an author under the Iowa Code. However, if the educational materials are to be developed with university sponsorship, the author is expected to assign these rights for the benefit of the university. It is not intended that this policy affect the traditional university relationship to faculty members' ownership of books or other instructional materials whose preparation was not supported or assisted in a substantial way by the university.
- Individuals preparing or planning to prepare educational materials are encouraged to clarify whether the materials are covered by this policy through consultation with the appropriate department chair and dean.
- In cases in which a prospective author wishes to receive support from the university in a proposed development of educational materials covered by this document, the university will enter into an agreement with the prospective author prior to the development of the university-sponsored educational materials setting forth the extent of support, if any, associated with their development and providing for payment to the author and/or the distribution of earnings, if any should accrue from the use, rental royalties, or sale of the educational materials.
- Monies in excess of costs and appropriate reserves that are received from use, rental royalties, or sale of the university-sponsored educational materials shall accrue to the benefit of the university, with the author receiving by prior agreement a specified portion of the net income. However, the author may receive a share of first receipts.
- Operational responsibility for university-sponsored educational materials is vested in the appropriate deans or their designated representatives.

#### **8.3.6.4. Ownership of Course-related Presentations.**

Section 8.3.6.4. was approved by the Faculty Senate on 5/02/95.

Course-related presentations are owned by the presenter. Individuals may take written notes or make other recordings of the presentations for educational purposes, but specific written permission to sell the notes or recordings must be obtained from the presenter.

#### **8.3.6.5. Intellectual Property: Policies and Procedures.**

The Policy on University-Sponsored Education Materials, as approved by the Board of Regents (above), recognizes certain traditional exemptions to the university's ownership. Ownership and licensing of other materials is often reserved to the university. The Office

of Intellectual Property and Technology Transfer (OIPTT) or the Iowa State University Research Foundation, Inc. (ISURF). OIPTT maintain current records on the following subjects as listed on their web page: <http://www.techtransfer.iastate.edu>.

- Policy Statement of ISU Concerning University Sponsored Educational Materials
- Patent and Licensing Procedures
- Patent Policy
- Patent Royalty Distribution Policy
- Plant Germplasm Release Policy
- Trademark Management Policy

OIPTT provides educational services on issues related to intellectual property. ISURF owns and manages all Iowa State University intellectual property.

When members of the university community apply for sponsored funding, they sign the following statement on the Gold Sheet: "I agree to be bound by the terms and conditions of the outside grant or contract which supports this proposed activity and, in consideration of the information and facilities made available to me by the university or the outside sponsor, to assign copyright and patent rights to the Iowa State University Research Foundation, Inc. in accordance with terms and conditions stated in the *Faculty Handbook*. I certify that I have not been debarred, suspended or declared ineligible to receive federal agency funds." In signing such a statement, the faculty member agrees that any intellectual property arising from sponsored funding will be assigned to ISURF. ISURF has the responsibility for managing all legal aspects of obtaining protection for intellectual property. The Office of Intellectual Property and Technology Transfer works closely with ISURF and with faculty and administrators within the university to obtain and evaluate disclosures, to determine the appropriate means of protection of intellectual property, and to aid in the marketing of that property. Individuals are reminded that the legal doctrine of fair use governs the use of copyrighted materials. If there is doubt whether material may be copied, inquiries should be directed to Office of University Counsel. ISURF also manages all aspects of protection and use of university trademarks.

### **8.3.6.6. Royalties for Instructional Materials.**

The writing of textbooks and the preparation of other materials for use in university classes are commendable activities frequently engaged in by Iowa State University faculty members. The university encourages such work and supports the principle that the faculty should be free to select such texts and materials for use in their classrooms. It is recognized, however, that a faculty member who receives royalties or other direct remuneration for such a scholarly product may be faced with a conflict of interest when he/she is a participant in the decision to adopt the material for local use.

Therefore, it is university policy that a faculty member of Iowa State University may use, in university classes, textbooks or other instructional materials for which he/she receives royalties or remuneration provided that, for any materials so used at Iowa State, the payments that could normally accrue to the faculty member are assigned to the university

or to a body mutually agreed upon by the university and the faculty member. The faculty member may, however, be allowed to retain the royalties under either of the following circumstances:

- the use of such textbooks or instructional materials is in accordance with departmental procedures for selecting such materials and the faculty member/author does not participate in the selection process
- because of exceptional circumstances the faculty member's department chair recommends that the faculty member be allowed to retain the normal royalties, and the recommendation is approved by the appropriate dean and the provost.

### **8.3.6.7. Required Readings/Textbook Selection.**

Prior to the beginning of each term, departments are asked to provide local bookstores with lists of required textbooks for their courses. Although the selection of textbooks is basically the responsibility of individual faculty members, each department is expected to have a procedure for reviewing the selection of required textbooks and other resource materials for the following:

- multi-section courses
- courses in which an unusually large number of textbooks is required
- instances in which the instructor of the course is author of a book required for that course
- instances in which questions are raised by students or other faculty members concerning selection of any text. For more information on policies governing instances for which the instructor of the course is the author of the book required for the course, see 8.3.6.6. Royalties for Instructional Materials.

### **8.3.7. Purchases of Goods or Services from Employees**

#### **8.3.7.1. Conflict of Interest Vendors.**

Under Board of Regents policy, university employees, their spouses and their minor children, shall not sell any goods or services having a value in excess of \$1,000 for each transaction or a cumulative value annually in excess of \$2,000 to any Regents institution unless pursuant to an award or contract let after public notice and competitive bidding, except under emergency, negotiated, or other noncompetitive conditions documented and administered by Regents institutions unless approved by the Board of Regents.

Board of Regents employees who have, or reasonably anticipate having, an ownership interest in, a significant executive position in, or other remunerative relationship with a prospective supplier of goods or services to a Regents institution, or who know that a member of their family or other person with whom they have a personal or financial relationship has such an interest, shall not participate in the preparing of specifications, determining qualifying vendors, or selecting successful bidders on products or services in

which they have any interest. The potential for conflict of interest exists when an employee maintains a personal business and wishes to provide goods or services to Iowa State University. For the specific policy that governs this activity, see the *Office Procedure Guide*, <http://www.adp.iastate.edu/vpbf/prod/docs/opg/chap10.htm#10.3.4>.

### **8.3.8. Trademark Management Policy**

Iowa State University benefits from public recognition of its name, symbols, logos and other identifying marks (Marks). If properly used and managed, these Marks give a unifying look which is critical to establishing a visual presence within the world of university communities. This look becomes identified with the quality of Iowa State's programs, products and services and distinguishes its programs from other universities.

With students, alumni, and friends of Iowa State residing around the world, a demand exists for the use of the university's Marks. Although a desire to associate with the university may come from a genuine spirit of support, it is in the university's best interest to protect and control the use of the Marks. The university's rights to its Marks are governed by federal, state, and common laws. These laws place an obligation on the university to control its Marks to avoid misrepresentation of the university's relationship to a product or service. Without proper control, the university risks losing its exclusive rights to its Marks. Licensing others to use the Marks and monitoring their use provides the needed control.

The university has delegated the management of its Marks to the Iowa State University Research Foundation, Inc. (ISURF, <http://www.techtransfer.iastate.edu>). (Trademark Licensing Program, <http://www.trademark.iastate.edu>.) This policy sets forth the basis of ISURF's management of the university's Marks. The term university includes the university, its affiliated organizations, and organizations formally registered with the university.

#### **8.3.8.1. Goals.**

The five main goals of this management policy are as follows:

- to promote and protect Iowa State University through implementation of a management system which establishes the means for consistent, favorable, and professional use of the Marks
- to fulfill the legal obligation to protect the Marks
- to protect the consumer from deception or from faculty or inferior products and services bearing the university's Marks
- to provide fair and equitable treatment of all licensees
- to realize and distribute earned royalties and other revenues for the benefit of the university

#### **8.3.8.2. Management.**

Legal protection and enforcement of the university's rights in the Marks is under ISURF's management. External use of the Marks by external entities is managed by ISURF with the following principles:

1. Licensing is required for all non-university users.

- the Marks must be licensed to the user and the use approved by ISURF, except when the use:
  - is by the news media for news reporting
  - is by an artist in an original work of art which will not be reproduced
  - is a congratulatory or supportive advertising message using the university's names but not its logos or symbols. For example, "Go Cyclones" or "Welcome Back ISU Students" are supportive types of messages.
  - suppliers of products to the university bearing any Mark must be licensed except when Marks are used on the following products:
    - printed publications and advertising for purposes of institutional and event promotion
    - printed supplies, not for resale
  - a product purchased by the university or a university recognized support group such as professional associations, employee organizations, athletic, cultural, and other interest groups for internal consumption or for sale at cost to other members. Promotional products given away by these groups are considered products for internal consumption. If the group has excess product after consumption or sale within its group, it cannot be sold to non-members, but can be given away to non-members.
  - selected school supplies which would be considered products purchased by students for course work
  - advertising rights to use the Marks as granted in corporate sponsor agreements
  - fundraising activities by nonprofit or charitable organizations
- Use of the Marks by entities internal to the university is managed by the university executive officers including the president, the provost, vice provosts, vice presidents, deans, directors, and affiliated organization directors.
- Internal uses which fall within the ordinary business of the university do not require licensing. Products created by a university unit for resale, and bearing the Marks must be licensed, except for educational and scholarly materials owned by the university and printed publications and advertising for purposes of institutional and event promotion.
- Royalties are not payable on internal uses which do not require licensing. The Guidelines for the Internal Use of Iowa State University's Marks provides the management details.
- The university president appoints a Trademark Advisory Committee to assist ISURF in addressing issues related to the management of the university Marks. The advisory committee consists of representatives from university units which

may provide a unique perspective and which are key stakeholders in the use of the Marks.

- Net revenues are distributed to university units under a policy determined by the university president. Distribution is approved by the ISURF Board of Directors.

## 8.4. Basic Operating Policies and Procedures

### 8.4.1. Non-Discrimination/Affirmative Action Policy

Reaffirmation 6/1/98 and 11/14/06.

University employees should be aware of the many laws and rules that affect them as employees of one of the state's public universities. A few of those laws and rules are summarized in this section. If an employee has a question about a particular situation and the employee is acting on behalf of the university, the employee should read the actual language of the statute or rule or direct the question to the Office of University Counsel. Copies of the *United States Code*, *Iowa Code*, *Iowa Administrative Code*, and *Board of Regents Procedural Guide* can be found in the Parks Library or the Office of University Counsel.

All university employees are responsible for abiding by the university's official policies presented in this section. In some cases, suggested procedures that have been approved by the Faculty Senate are provided to assist faculty. Each section begins with an introductory statement followed by a policy statement and ends with sources of relevant information.

Caution: The following sections describe provisions of law affecting employees by using non-legalistic terminology. It is not intended, nor would it be possible, to make university policy less stringent than the applicable law. Legislative action may amend or add provisions prior to the next update of the *Faculty Handbook*.

#### 8.4.1.1. Policy and Guidelines.

<http://policy.iastate.edu/policy/discrimination/>

<http://www.hrs.iastate.edu/AAO/reaffirmation.pdf>

All administrators and personnel providing input into administrative decisions must ensure that all decisions relative to employment, conditions of employment, and access to programs and services will be made without regard to race, color, age, religion, national origin, sexual orientation, gender identity, sex, marital status, disability, or status as a U.S. veteran.

**Deleted:** University employees should be aware of the many laws and rules that affect them as employees of one of the state's public universities. A few of those laws and rules are summarized in this section. If an employee has a question about a particular situation and the employee is acting on behalf of the university, the employee should read the actual language of the statute or rule or direct the question to the Office of University Counsel. Copies of the *United States Code*, *Iowa Code*, *Iowa Administrative Code*, and *Board of Regents Procedural Guide* can be found in the Parks Library or the Office of University Counsel. ¶

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Caution: The following sections describe provisions of law affecting employees by using non-legalistic terminology. It is not intended, nor would it be possible, to make university policy less stringent than the applicable law. Legislative action may amend or add provisions prior to the next update of the *Faculty Handbook*. ¶

**Deleted: 3.1. Responsibilities of the University, Administrators, and Supervisors**

Exceptions to this directive may be made in matters involving bona fide occupational qualifications, business necessity, actions designed to eliminate workforce underutilization, and/or where this policy conflicts with federal and state laws, rules, regulations, or orders.

Iowa State University does not and will not tolerate unlawful discrimination. Iowa State will recruit, hire, train and promote persons without regard to race, color, age, religion, national origin, sexual orientation, gender identity, sex, marital status, disability, or status as a U.S. veteran. Iowa State University will make employment decisions to further the principle of equal employment opportunity and diversity.

No otherwise qualified person will be denied access to, or participation in, any program, activity, service, or the use of facilities on the basis of factors previously enumerated. Reasonable accommodation will be made to facilitate the participation of persons with disabilities in all such activities consistent with applicable federal and state laws, orders and policies.

All supervisory personnel will be responsible for maintaining an environment that is free of discrimination and/or harassment. Acts by anyone that adversely affect another person's employment, conditions of employment, academic standing, receipt of services, and/or participation in, or enjoyment of, any other activity, will be regarded as a violation of university policy and thereby subject to appropriate disciplinary action. Retaliation against persons filing complaints for bringing the violation of this policy forward for review or for assisting in a review pursuant to a filed complaint or grievance is prohibited.

Iowa State University's commitment to nondiscrimination and affirmative action is of the highest priority and must be adhered to as such. It applies to all university-sponsored programs and activities as well as those that are conducted in cooperation with the university.

### **8.4.1.2. Sources of Support.**

<http://policy.iastate.edu/policy/discrimination/>

<http://www.hrs.iastate.edu/AAO/reaffirmation.pdf>

The Office of Equal Opportunity and Diversity (EOD) is responsible for handling complaints of discrimination based on to race, color, age, religion, national origin, sexual orientation, gender identity, sex, marital status, disability, or status as a U.S. veteran. The university's Associate Vice President, Human Resource Services also serves as the university's Director of Equal Opportunity and Diversity, and is responsible for implementation of this policy. Questions regarding complaints and/or issues involving

**Deleted:** All supervisory personnel will be responsible for maintaining an environment that is free of any discrimination and/or harassment. Acts by anyone that adversely affect another person's employment, conditions of employment, academic standing, receipt of services, and/or participation in, or enjoyment of, any other activity, will be regarded as a violation of university policy and thereby subject to appropriate disciplinary action. Retaliation against persons filing complaints for bringing the violation of this policy forward for review or for assisting in a review pursuant to a filed complaint or grievance is prohibited. ¶ Iowa State University's commitment to nondiscrimination and affirmative action is of the highest priority and must be adhered to as such. It applies to all university-sponsored programs and activities as well as those that are conducted in cooperation with the university. ¶ This language is in effect and is being reviewed by the Faculty Senate Handbook Committee as of May 31, 2006. ¶

**Deleted:** <http://policy.iastate.edu/policy/discrimination/> ¶ <http://www.hrs.iastate.edu/AAO/reaffirmation.pdf> ¶ The Office of Equal Opportunity and Diversity (EOD) is responsible for handling complaints of discrimination based on to race, color, age, religion, national origin, sexual orientation, gender identity, sex, marital status, disability, or status as a U.S. veteran. The university's Associate Vice President, Human Resource Services also serves as the university's Director of Equal Opportunity and Diversity, and is responsible for implementation of this policy. Questions regarding complaints and/or issues involving affirmative action or equal opportunity should be directed to the Office of Equal Opportunity and Diversity (<http://www.hrs.iastate.edu/AAO/eod/>). ¶ The Margaret Sloss Women's Center is responsible for promoting the development of all women to their fullest potential and for enhancing the university's learning environment by fostering intellectual growth and providing a supportive environment for women students, faculty, and staff. ¶ Three university-wide committees with representation of faculty, staff, and students have been established to assist the administration in its efforts toward continual improvement of equal opportunity. ¶ <#>The University Committee on Disabilities is responsible for sharing knowledge concerning disabilities with the university community, for fost... [1]

affirmative action or equal opportunity should be directed to the Office of Equal Opportunity and Diversity (<http://www.hrs.iastate.edu/AAO/eod/>).

The Margaret Sloss Women's Center is responsible for promoting the development of all women to their fullest potential and for enhancing the university's learning environment by fostering intellectual growth and providing a supportive environment for women students, faculty, and staff.

Three university-wide committees with representation of faculty, staff, and students have been established to assist the administration in its efforts toward continual improvement of equal opportunity.

- The University Committee on Disabilities is responsible for sharing knowledge concerning disabilities with the university community, for fostering awareness of the needs of persons with disabilities, and for advocating ways to meet those needs. <http://www.hrs.iastate.edu/diversity/cod.htm>
- The President's Advisory Committee on Diversity is responsible for assessing campus climate and making recommendations for improvement. [http://www.hrs.iastate.edu/diversity/doc/pacd/pacd\\_pres\\_council\\_v3.pdf](http://www.hrs.iastate.edu/diversity/doc/pacd/pacd_pres_council_v3.pdf)
- The University Committee on Women is responsible for studying the impact of university procedures and policies upon women faculty members, staff members, and students and for making appropriate recommendations to the administration. <http://www.public.iastate.edu/%7Eucw/>

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## 8.4.2. Inclusive Language Policy

Section 8.4.2. was approved by the Faculty Senate on 4/14/92.

Iowa State University encourages the use of language and illustrations that create an environment of respect for human diversity, individual rights, and the equal dignity and worth of all human beings. It also discourages the use of language and illustrations that reinforce demeaning attitudes, assumptions, and stereotypes, or overlook certain populations.

### 8.4.2.1. Policy and Guidelines.

All university publications and communication, whether oral or written, shall use inclusive language and illustrations. Inclusive language refers to language that makes every attempt to include comprehensively all groups in the community. Whenever possible, selection of academic materials will also reflect efforts to uphold this university policy. Compliance with this policy shall be the responsibility of all faculty and staff.

### **8.4.2.2. Sources of Information.**

The Office of Equal Opportunity and Diversity, the Margaret Sloss Women's Center, the Minority Student Affairs Office, the Dean of Students Office, the Office of the Provost, and the Office of the President shall address concerns and supply guidance as requested and appropriate.

### **8.4.3. Drug Free Workplace**

Iowa State University is committed to providing a drug free workplace. Consistent with this commitment, Iowa State University will comply with all federal and state laws, regulations, and orders, including the policies of the Board of Regents, which pertain to providing a drug free workplace.

#### **8.4.3.1. Policy and Guidelines.**

In keeping with the appropriate laws, regulations, and orders, it is unlawful for employees to manufacture, distribute, dispense, possess, or use illegal drugs in the workplace. Violation of this policy will result in appropriate disciplinary action, up to and including dismissal. In addition, an employee who violates this policy may be required to participate in a drug abuse assistance or rehabilitation program.

Each employee is responsible for abiding by the terms of this policy and for notifying the university of any criminal drug statute conviction for a violation occurring in the workplace not later than five days after such conviction. The university will notify the contract or granting agency within 10 days after receiving notice of the criminal drug statute conviction as stated above.

All employees are expected and required to report to work in an appropriate mental and physical condition to carry out their responsibilities safely and effectively, absent any impairment because of use of controlled substances or alcohol. Failure to comply by the employee with this expectation may result in serious disciplinary sanctions, up to and including the termination of an individual's employment. In cases in which the university has probable cause to believe an employee's ability to perform duties is impaired due to the use of alcohol or controlled substances, the employee will be confronted and required to undergo testing and/or treatment. Failure to comply by the employee will be the basis for serious disciplinary action.

#### **8.4.3.2. Sources of Information.**

The university has established a drug free awareness program to inform employees about the dangers of drug and alcohol abuse in the workplace. Employees are advised as to available substance abuse counseling, rehabilitation programs, and the Employee Assistance Program.

## 8.4.4. Occupational Safety Policy

Within available resources, it is the policy of Iowa State University to provide and ensure a safe and healthy environment for employees, students, and visiting public and to maintain at all times an effective safety program. It is the intent of this policy to prevent accidents and injuries and to help each member of the Iowa State University community maintain a high standard of safety and health.

### 8.4.4.1. Policy and Guidelines.

Each person in a supervisory or management capacity is responsible for the provision and maintenance of safe working conditions in his/her respective area and for proper enforcement of all authorized and applicable safety rules and regulations. Each employee and student is personally responsible for complying with safety rules and for using any safety equipment that is provided or required. All safety hazards, accidents, and failures to comply with safety rules shall be reported to supervisory personnel and referred to the appropriate health and safety organization if additional action is necessary.

### 8.4.4.2. Sources of Information.

The Office of Environmental Health and Safety at Iowa State University, <http://www.ehs.iastate.edu/>, will answer specific questions regarding guidelines and compliance issues.

## 8.4.5. Policy on Smoking

The faculty recognizes the importance of an environment that promotes health and well being. The University policy on smoking is located in the Policy Library at the following URL: <http://policy.iastate.edu/policy/smoking/>.

Approved as amended by the Faculty Senate April 24, 2007.

## 8.4.6. Travel Regulations

Travel is an essential requirement of all faculty as the mission of the university is addressed.

### 8.4.6.1. Policy and Guidelines.

All absences from the campus during periods of regular employment, whether at university or private expense, require administrative approval. For those whose regular duties normally require in-state travel, the usual procedures requiring a department chair's approval on travel vouchers will ordinarily constitute evidence of necessary

#### Deleted: ¶

The university recognizes that tobacco smoke is a hazard to the health of its students and employees. ¶

#### 8.4.5.1. Policy and Guidelines. ¶

To protect the health of the non-smoking university community, the university designates all buildings as smoke-free, except for some living areas in university housing. To the extent possible, the University will provide access to cessation programs to help students and employees who presently use tobacco products. All university students and employees are expected to share the responsibility for enforcement of the policy. The following list outlines the smoking policy: ¶

<#>Smoking is prohibited in university buildings, including offices and hallways and in the outside areas surrounding fresh air intakes. The policy applies to all university buildings on and off the campus with two exceptions: ¶

<#>Smoking is allowed in designated private rooms or apartments in University housing. ¶

<#>Smoking is allowed in the Iowa State Center in designated areas during events that are not university-sponsored. ¶

<#>Within a period of five years from the date of approval of this policy, the director of residence shall have designated small buildings or entire floors of large buildings as smoke-free. ¶

<#>Smoking is prohibited in vehicles owned or leased by the University. ¶

<#>Smoking at outdoor events (specifically including those in the stadium) are restricted to designated areas, preferably not in seating or assembly areas. ¶

<#>The University has recommended to the Iowa State Memorial Union Board of Directors that the Memorial Union be a non-smoking area and to the County Extension Councils that Extension offices be non-smoking areas. ¶

<#>Visitors to Iowa State University are covered by this policy as temporary members of the University community. ¶

Exceptions: Persons who believe that their situation requires an exception to this policy may request an exemption. ¶

Petitions may be addressed to the director of the Office of Environmental Health and Safety. It is expected that exceptions will be primarily for individual living space in University-owned housing

during the transition to a non-smoking environment when adequate ventilation for localized smoking is available. ¶

#### 8.4.5.2. Sources of Information. ¶

In situations where individual students or employees are unable to resolve a dispute regarding enforcement of this policy, the departmental chair and/or building supervisors will attempt resolution. Problems still unresolved at that level

may be referred to the Office of

administrative approval. For those whose regular duties do not normally require in-state travel, requests must be approved by the department chair and the dean and/or director.

University travel is a matter of agreement between the traveler and the departmental chair. Travel expenses may be paid entirely by the university, the traveler, an outside source, or a combination of the three. University-related travel does not include personal vacation travel, leaves of absence, private consulting, or other activities that are not university responsibilities.

Staff members who expect to engage in projects in another country for more than two weeks should secure approval from the provost before they make their plans. Travel authorization then should be secured at least 30 days before departure is planned.

Staff members who plan to leave the campus during a period of regular employment should study the travel regulations on file in each departmental office. These regulations indicate the specific procedures to be followed.

The practice of paying expenses for attendance at professional meetings varies among the colleges and departments according to needs and available funds. Staff members should consult the chair of their department.

#### **8.4.6.2. Sources of Information.**

Detailed information explaining university travel policies and procedures can be found in Section 8 of the *Iowa State University Office Procedure Guide*, <http://www.adp.iastate.edu/vpbf/prod/docs/opg/chap8.htm#8.0>.

#### **8.4.7. Gifts to Faculty**

Acceptance of gifts by state employees is regulated by Iowa Code 68B.22. Employees may not receive any non-cash gifts worth more than three dollars or cash gifts of any amount from "restricted donors." Restricted donors are those persons or firms that have or are seeking a contract with the university or otherwise will be affected financially by the performance of the state employee's duties.

Exceptions: The following are the major exceptions to the gift law:

- informational material relevant to the employee's duties
- gifts that are donated within 30 days to charity, to a public body (including the university), or to the Department of General Services
- gifts that are available generally to members of the public and are given regardless of the status of the recipient as a state employee
- the cost of travel, lodging and meals for that portion of a conference to which the employee is invited as an active participant. Remuneration is accepted only for

the portion of the time the employee is in travel status because of that active participation

- inheritances and gifts from relatives

## **8.4.8. Policy Regarding Open Meetings at Iowa State**

As a general rule, state law does not require that committee meetings be open to the public. The university, however, does wish to promote the principles of open meetings. University policy and guidelines are as follows.

### **8.4.8.1. Unlisted Committees.**

If a university council or committee is not listed in the directory of councils and committees, <http://www.provost.iastate.edu/office/councils.html>, or the Faculty Senate web page, <http://www.facsen.iastate.edu/councils/>, the meetings of that council or committee shall be open to the public unless a majority of the council or committee members present at the meeting vote to close the meeting for matters the council or committee members consider to be confidential.

### **8.4.8.2. University Councils and Committees.**

University councils and committees, with the exception of the Athletic Council and the Leopold Center Advisory Board will follow the following procedures.

An announcement should be submitted to the *Iowa State Daily* to provide to the public at least a one-day notice prior to each meeting. The notice should include the name of the council or committee, a tentative agenda, and the time, date and place of the meeting. In addition, the notice should be provided to ISU's University Relations Office.

Minutes should be kept of each meeting and should include the date, time, place, members present, and action taken. The minutes should show the results of each vote taken. The minutes need not be exceedingly detailed, but they should make it possible for a reader to ascertain the general subject matter discussed at the meeting and any decisions made. A custodian for the minutes should be designated from the committee membership, and he/she should maintain them in an orderly and up-to-date fashion. The designated custodian must allow anyone to inspect the minutes.

In the event that a committee or council chooses to exclude the public from a meeting, certain procedures must be strictly observed:

- Two-thirds of the members of the council or committee, or all of the members present at the meeting, must vote in the affirmative to close the meeting.
- The vote of each member on the question of holding a closed session must be recorded in the minutes.

- Detailed minutes of all discussions, persons present, specific reasons for closing the meeting, and all actions occurring at the closed session must be kept; the only matters which must be made public, however, are the reasons for closing the meeting and the vote of each member on whether to close the meeting.
- Any final action on any matter discussed in the closed session must be taken in an open session unless some provision of the Iowa Code or federal or constitutional law expressly requires or permits such action be taken in a closed session.
- No business may be discussed which does not directly relate to the specific reason announced as justification for the closed session.

A meeting may be closed, if necessary, for any of the following reasons:

- Confidential Records. Meeting to discuss records which are required or authorized by state or federal law to be kept confidential.
- Letters Patent. Meeting to discuss application for letters patents.
- Discussion with Counsel. Meeting to seek legal advice or to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent.
- License Examinations. Meeting to discuss the contents of a licensing examination or whether to initiate license disciplinary investigations or proceedings if the council or committee is a licensing or examining board.
- Suspending a Student. Meeting to discuss whether to conduct a hearing to suspend or expel a student, unless an open session is requested by the student, or parent or guardian of the student if the student is a minor.
- Contested Case. Meeting to discuss the decision to be rendered in a contested case conducted according to the provisions of the Iowa Administrative Procedure Act.
- Law Enforcement. Meeting to avoid disclosure of specific law enforcement matters, such as current or proposed investigations, inspection or auditing techniques or schedules, which, if disclosed, would enable law violators to avoid detection.
- Law Enforcement. Meeting to avoid disclosure of certain law enforcement matters, such as allowable tolerances or criteria for the selection, prosecution, or settlement of cases, which, if disclosed, would facilitate disregard of requirements imposed by law.
- By Request to Evaluate Professional Competence. Meeting to evaluate the professional competency of an individual whose appointments, hiring, performance or discharge is being considered, when necessary to prevent needless and irreparable injury to that individual's reputation and that individual requests a closed session.
- Real Estate Purchase. Meeting to discuss the purchase of particular real estate, but only where premature disclosure could reasonably be expected to increase the price the university would have to pay for that property. The minutes of a session closed under this paragraph shall be available for public examination when the transaction discussed is completed.

### **8.4.8.3. Athletic Council and Leopold Center Advisory Board.**

As provided by Iowa Law the Athletic Council and the Leopold Center Advisory Board follow the provisions of Iowa Open Meetings law.

### **8.4.9. Employment Related Liability**

As a general rule, university employees need not purchase liability insurance to cover those situations where they might be sued in their capacity as an employee. As long as a university employee is acting within the scope of his/her employment and the employee's acts or omissions are not willful or malicious, the state will defend and pay resulting liabilities on behalf of the employee. *Iowa Code 669.21*

### **8.4.10. Policy and Information References**

The *Iowa State University Catalog* (<http://www.public.iastate.edu/~catalog>), revised every two years, is the university's official source of information concerning curriculum requirements and course offerings as well as information concerning admissions policies, financial aid, and other facts for prospective students. It also contains a listing of all university faculty.

The *University Catalog* (<http://www.iastate.edu/~catalog/2001-03/graduate/index.htm>) contains a section that is referenced as the 'Graduate College' that is relevant to Graduate College policies and procedures. The Graduate Catalog is not printed separately.

The *Faculty Handbook* (<http://www.provost.iastate.edu/faculty/handbook/>) provides a description of university structure, function, policies, and procedures. It is revised every year under the supervision of the provost. It is available online and is furnished to each department and to each member of the faculty who requests it.

The *Office Procedure Guide* (<http://www.adp.iastate.edu/vpbf/prod/docs/opg/opg.htm>) is a detailed compilation of policies and procedures to be followed in the handling of university fiscal and personnel matters.

The *Iowa State University Budget* for the current fiscal year is available in the Reserve Room of the Parks Library. It lists all university employees and their salaries by budget unit.

The *Financial Report*, required by law, is a yearly record of the university's receipts and expenditures, prepared under the supervision of the vice president for business and finance and filed in that office.

The *Iowa Code*, a current collection of the laws of the State of Iowa and published under the direction of the state legislature, is available in the university library and in the office of the vice president for business and finance.

<http://policy.iastate.edu/policy/discrimination/>

<http://www.hrs.iastate.edu/AAO/reaffirmation.pdf>

The Office of Equal Opportunity and Diversity (EOD) is responsible for handling complaints of discrimination based on to race, color, age, religion, national origin, sexual orientation, gender identity, sex, marital status, disability, or status as a U.S. veteran. The university's Associate Vice President, Human Resource Services also serves as the university's Director of Equal Opportunity and Diversity, and is responsible for implementation of this policy. Questions regarding complaints and/or issues involving affirmative action or equal opportunity should be directed to the Office of Equal Opportunity and Diversity (<http://www.hrs.iastate.edu/AAO/eod/>).

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Three university-wide committees with representation of faculty, staff, and students have been established to assist the administration in its efforts toward continual improvement of equal opportunity.

The University Committee on Disabilities is responsible for sharing knowledge concerning disabilities with the university community, for fostering awareness of the needs of persons with disabilities, and for advocating ways to meet those needs.

<http://www.hrs.iastate.edu/diversity/cod.htm>

The President's Advisory Committee on Diversity is responsible for assessing campus climate and making recommendations for improvement.

[http://www.hrs.iastate.edu/diversity/doc/pacd/pacd\\_pres\\_council\\_v3.pdf](http://www.hrs.iastate.edu/diversity/doc/pacd/pacd_pres_council_v3.pdf)

The University Committee on Women is responsible for studying the impact of university procedures and policies upon women faculty members, staff members, and students and for making appropriate recommendations to the administration.

<http://www.public.iastate.edu/%7Eucw/>

The university recognizes that tobacco smoke is a hazard to the health of its students and employees.

#### **8.4.5.1. Policy and Guidelines.**

To protect the health of the non-smoking university community, the university designates all buildings as smoke-free, except for some living areas in university housing. To the extent possible, the University will provide access to cessation programs to help students and employees who presently use tobacco products. All university students and employees are expected to share the responsibility for enforcement of the policy. The following list outlines the smoking policy:

Smoking is prohibited in university buildings, including offices and hallways and in the outside areas surrounding fresh air intakes. The policy applies to all university buildings on and off the campus with two exceptions:

Smoking is allowed in designated private rooms or apartments in University housing.

Smoking is allowed in the Iowa State Center in designated areas during events that are not university-sponsored.

Within a period of five years from the date of approval of this policy, the director of residence shall have designated small buildings or entire floors of large buildings as smoke-free.

Smoking is prohibited in vehicles owned or leased by the University.

Smoking at outdoor events (specifically including those in the stadium) are restricted to designated areas, preferably not in seating or assembly areas.

The University has recommended to the Iowa State Memorial Union Board of Directors that the Memorial Union be a non-smoking area and to the County Extension Councils that Extension offices be non-smoking areas.

Visitors to Iowa State University are covered by this policy as temporary members of the University community.

Exceptions: Persons who believe that their situation requires an exception to this policy may request an exemption. Petitions may be addressed to the director of the Office of Environmental Health and Safety. It is expected that exceptions will be primarily for individual living space in University-owned housing during the transition to a non-smoking environment when adequate ventilation for localized smoking is available.

#### ***8.4.5.2. Sources of Information.***

In situations where individual students or employees are unable to resolve a dispute regarding enforcement of this policy, the departmental chair and/or building supervisors will attempt resolution. Problems still unresolved at that level may be referred to the Office of Environmental Health and Safety (<http://www.ehs.iastate.edu/>) for assistance and interpretation of the policy, and, if necessary, to higher administrative levels of the university.