

## **Proposed revision to *Faculty Handbook* 7.2.2.2 Discrimination and Harassment**

### **Rationale**

In the current Faculty Handbook, Sections 7.2.2.2, 7.2.2.2.1, 7.2.2.2.3 and 7.2.2.5.9 provide descriptions of Discrimination and Harassment that differ from the institutional policy as documented in the Policy Library. In consultation with the Office of Equal Opportunity and University Counsel, we recommend simplifying the Faculty Handbook with the following changes:

- Eliminate any summary description of the D&H policy in 7.2.2.2 and instead link directly to the institutional policy in the Policy Library.
- Reference our institutional commitment to academic freedom and link to the relevant FH sections (Professional Responsibilities 7.1.1 and Academic Freedom 7.1.2).
- Eliminate Sections 7.2.2.2.1, 7.2.2.2.3, and 7.2.2.5.9 since they repeat information already in 7.2.2.2.

Section 7.2.2.2.2 Harassing Behavior is our “bullying” policy. It is not a sub-section of D&H and should be given a separate section number to make clear that separation.

### **Current version**

#### **7.2.2.2 Discrimination and Harassment**

The obligation of the University is to provide an environment that enables all members of the community to pursue work and study free of discrimination and harassment. Especially important is to prevent and address discrimination and harassment based upon race, ethnicity, sex, pregnancy, color, religion, national origin, physical or mental disability, age (40 and over), marital status, sexual orientation, gender identity, genetic information, status as a US veteran (disabled, Vietnam, or other), or other protected classes, as described in the Iowa State University non-discrimination policy. At the same time the university is committed to preserving an environment of free debate and discussion. Harassment in any form does not occur unless the behavior or speech is severe, persistent or pervasive. In the context of scholarly discourse harassment does not occur unless the expressive activity is not germane to the subject matter.

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

#### **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 in the Policy Library](#).

#### **7.2.2.2.2 Harassing Behavior**

Criticism and actions taken in or as a result of disagreement can be misunderstood 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 environment 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.

### 7.2.2.2.3 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 in the Policy Library](#).

### 7.2.2.5.9 Discrimination

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

## Proposed changes:

### 7.2.2.2 Discrimination and Harassment

The obligation of the University is to provide an environment that enables all members of the community to pursue work and study free ~~from of~~ discrimination and harassment. ~~At the same time, the university is committed to preserving academic freedom as well as an environment of free debate and discussion.~~ ~~The University values and promotes freedom of expression and inquiry as provided under applicable law. At the same time, the university is committed to preserving academic freedom as well as an environment of free debate and discussion. Nothing in this section is intended to limit or restrict a faculty member's rights to academic freedom (See 7.1.1 and 7.1.2).~~ ~~As employees, faculty are responsible for abiding by the University's Discrimination and Harassment Policy. [link to Policy Library] At the same time, the university is committed to preserving academic freedom as well as an environment of free debate and discussion. (See 7.1.1 and 7.1.2). Especially important is to prevent and address discrimination and harassment based upon race, ethnicity, sex, pregnancy, color, religion, national origin, physical or mental disability, age (40 and over), marital status, sexual orientation, gender identity, genetic information, status as a US veteran (disabled, Vietnam, or other), or other protected classes, as described in the Iowa State University non-discrimination policy. At the same time the university is committed to preserving an environment of free debate and discussion. Harassment in any form does not occur unless the behavior or speech is severe, persistent or pervasive. In the context of scholarly discourse harassment does not occur unless the expressive activity is not germane to the subject matter.~~ ~~Changes to this section were approved by the Faculty Senate, November 14, 2006.~~

#### 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 in the Policy Library.~~

#### 7.2.2.3 2-2 Harassing Behavior

Criticism and actions taken in or as a result of disagreement can be misunderstood and can result in harassing behavior ~~ment~~ 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 environment 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.

### ~~7.2.2.2.3 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 in the Policy Library.~~

### ~~7.2.2.5.9 Discrimination~~

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

## **Clean Copy:**

### **7.2.2.2 Discrimination and Harassment**

The obligation of the University is to provide an environment that enables all members of the community to pursue work and study free from discrimination and harassment. The University values and promotes freedom of expression and inquiry as provided under applicable law. At the same time, the university is committed to preserving academic freedom as well as an environment of free debate and discussion. As employees, faculty are responsible for abiding by the University's Discrimination and Harassment Policy. [[link to Policy Library](#)]

### **7.2.2.3 Harassing Behavior**

Criticism and actions taken in or as a result of disagreement can be misunderstood and can result in harassing behavior 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 environment 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.