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## Chapter 14 – Anti-Harassment

(Amended 6/05; 12/05; 12/11; 8/13; 5/15; 7/15; 7/11/17; 9/21/18; 1/20; 3/20; 6/10/21)

Effective June 10, 2021, this policy has been revised. For individual changes, see the redlined versions of [II-14.1](#) and [II-14.2](#). For revisions made in January and March 2020, see [here](#).

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### 14.1 Rationale

(Amended 7/15; 6/10/21)

Effective June 10, 2021, this policy has been revised. For individual changes, see the [redlined version](#).

The purpose of this policy is to prevent harassment within the University of Iowa community and to provide a process for addressing all forms of harassment if and when it occurs. The University of Iowa is committed to maintaining an environment that recognizes the inherent worth and dignity of every person, and that fosters tolerance, sensitivity, understanding, and mutual respect. This commitment requires that the highest value be placed on the use of reason and that any harassment in the university community be renounced as repugnant and inimical to its goals. Harassment destroys the mutual trust that binds members of the community in their pursuit of truth.

The university also is committed strongly to academic freedom and freedom of expression. In upholding these ideals, the university will be guided by the following principles:

- a. The primary function of the University of Iowa is the discovery, improvement, transmission, and dissemination of knowledge by means of research, teaching, discussion, and debate. To fulfill this function, the University of Iowa must strive to ensure the fullest degree of intellectual freedom and free expression allowed under the First Amendment to the Constitution of the United States.

- b. It is not the proper role of the University of Iowa to shield individuals from speech protected by the First Amendment to the Constitution of the United States, which may include ideas and opinions an individual finds unwelcome, disagreeable, or even offensive.
- c. It is the proper role of the University of Iowa to encourage diversity of thoughts, ideas, and opinions and to encourage, within the bounds of the First Amendment to the Constitution of the United States, the peaceful, respectful, and safe exercise of First Amendment rights.
- d. Faculty, staff, and students have the freedom to discuss any problem that presents itself, assemble, and engage in spontaneous expressive activity on campus, within the bounds of established principles of the First Amendment to the Constitution of the United States, and subject to reasonable time, place, and manner restrictions, as defined in this Operations Manual, that are consistent with established First Amendment principles.

See also [Free Speech at Iowa](#).

This policy addresses harassment in all forms based on any classification covered by law and/or [II-3](#) Human Rights (with the exception of sexual harassment, which is addressed in [II-4](#) Sexual Harassment and Sexual Misconduct), as well as harassment based on other factors as set forth in this policy.

## 14.2 Policy

(Amended 5/15; 7/15; 9/21/18; 1/20; 6/10/21)

Effective June 10, 2021, and June 16, 2022, this policy has been revised. For individual changes, see the [redlined version](#). For January 2020 revisions, see [here](#).

Harassment of any member of the university community is prohibited.

- a. Definition of harassment. "Harassment" means intentional conduct, including speech, directed toward an identifiable person or persons that
  - (1) threatens serious harm and is directed or likely directed to provoke imminent unlawful actions; or
  - (2) is sufficiently severe, pervasive, and subjectively and objectively offensive that it unreasonably interferes with work or educational opportunities or benefits, including, without limitation, on-campus living or participation in a university activity on or off campus

See *Iowa Code 261H.3.5*: "This chapter shall not be interpreted as preventing public institutions of higher education from prohibiting, limiting, or restricting expression that the first amendment to the Constitution of the United States does not protect, including but not limited to a threat of serious harm and expression directed or likely directed to provoke imminent unlawful actions; or from prohibiting harassment, including but not limited to expression which is so severe, pervasive, and subjectively and objectively offensive that the expression unreasonably interferes with an individual's access to educational opportunities or benefits provided by a public institution of higher education."

- b. Conduct that constitutes a protected exercise of an individual's rights under the First Amendment to the United States Constitution (and related principles of academic freedom) shall not be deemed a violation of

this policy. Note: Sexual harassment is addressed by the University's Policy on Sexual Harassment and Sexual Misconduct ([II-4](#)).

- c. Evidence of harassment. Behavior that may constitute, or be evidence of, prohibited harassment includes, but is not limited to, the following:
- (1) repeated contact with another in person, by telephone, in writing, or through electronic means (see also [II-19](#) Acceptable Use of Information Technology Resources), after the recipient has made clear that such contact is unwelcome.
  - (2) harassment proscribed by the *Iowa Criminal Code*, [Chapter 708](#), including, for example, stalking, the placement of simulated explosives, ordering merchandise or services with intent to annoy, or false reports to police.
  - (3) stalking as a course of conduct that is directed at a specific person that would cause a reasonable person to feel fear.
  - (4) domestic/dating violence which is coercive, abusive, and/or threatening behavior toward a current or former intimate or romantic partner.
- d. Penalty enhancement. The university reserves the right to impose more severe sanctions on individuals whose actions in violation of this policy are motivated by the race, creed, color, religion, national origin, age, sex, pregnancy (including childbirth and related conditions), disability, genetic information, status as a U.S. veteran, service in the U.S. military, sexual orientation, gender identity, or associational preferences of the impacted party.
- e. In determining whether alleged conduct constitutes prohibited harassment, the investigator will consider all available information and will review the totality of circumstances, including the context in which the alleged incident(s) occurred. Although repeated incidents generally create a stronger claim of harassment, a single serious incident can be sufficient. Determinations will be made on a case-by-case basis.
- f. Definitions of other terms used in this policy:
- (1) Academic or administrative officer includes the following:
    - (a) Collegiate deans (including associate deans and assistant deans),
    - (b) Faculty members with administrative responsibilities at the level of departmental executive officer (DEO) or above,
    - (c) Any staff member whose primary job responsibility is to provide advice regarding a student's academic pursuits or other university-related activities,
    - (d) A faculty member serving as departmental (or collegiate) director or coordinator of undergraduate or graduate studies, or as a director or coordinator of any departmental, collegiate, or university off-campus academic program (including any study-abroad program),
    - (e) The President, the directors of the Office of Institutional Equity, the Title IX Coordinator, vice presidents (including assistant and associate vice presidents), and Provost (including assistant

and associate provosts), and those persons' designees,

(f) Directors and supervisors in an employment context, including faculty and staff who supervise student employees, in relation to matters involving the employees they supervise (other than Department of Public Safety personnel when receiving criminal complaints or reports), and

(g) Human resource representatives (including all central University Human Resources staff).

(2) Allegations: to the extent possible, allegations of policy violations should provide factual details such as, but not limited to, time, place, actions, participants, and witnesses. Allegations do not necessarily have to be based on firsthand observation of events to be "specific and credible," but direct observation normally results in greater specificity and credibility than indirect knowledge.

(3) Graduate assistant: a graduate student employed by the university as a research assistant or teaching assistant.

(4) Human resources representative: the individual designated as a unit's departmental authority on human resource policies and procedures, and all central human resources staff.

(5) Impacted party: a person who allegedly has been harassed.

(6) Instructor: a person engaged in teaching students or in evaluation or supervision, direct or indirect, of a student's academic work.

(7) Member of the university community: any university student, or faculty or staff member.

(8) Protected interests: university employment, education, on-campus living, or participation in a university activity.

(9) Reporting party: the person who brings a complaint of violation of this policy, who could be an impacted party, a third-party reporter, or an academic or administrative officer of the university.

(10) Responding party: a person who has been accused of harassment.

(11) Stalking:

(a) "Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

(i) Fear for their safety or the safety of others; or

(ii) Suffer substantial emotional distress.

(b) Examples of stalking include:

(i) Attempting to gather information about the target of unwelcome conduct;

(ii) Vandalism, including attacks on data and equipment;

- (iii) Direct physical and/or verbal threats against an impacted party or an impacted party's loved ones, including animal abuse;
- (iv) Gathering of information about an impacted party from family, friends, co-workers, and/or classmates;
- (v) Manipulative and controlling behaviors such as threats to harm oneself, or threats to harm someone close to the impacted party;
- (vi) Defamation or slander against the impacted party, posting false information about the impacted party and/or posing as the impacted party to post to websites, newsgroups, blogs, or other sites that allow public contributions, encouraging others to harass the impacted party;
- (vii) Posing as someone other than oneself to initiate transactions, financial credit, loans, or other contractual agreements;
- (viii) Arranging to meet an impacted party under false pretenses.

(12) Supervisor: a person who has authority either: 1) to undertake or recommend tangible employment decisions (those that significantly change an employee's employment status, such as, but not limited to, hiring, firing, promoting, demoting, reviewing performance, reassigning, and compensation decisions) affecting an employee, or 2) to direct the employee's daily work activities.

(13) Third-party reporter: a person who brings a complaint alleging that someone else has been harassed. A third-party reporter does not need to be a member of the university community (i.e., a current university faculty, staff, or student).

### 14.3 Scope of Policy

(Amended 7/15; 1/20)

Effective January 2020, this policy has been revised. For individual changes, see the [redlined version](#).

a. Acts by employees and students. The university's prohibition of harassment as defined by [II-14.2](#) above applies to acts of faculty, other instructors, staff, or students occurring in one or more of the following circumstances:

- (1) on property owned or controlled by the university or by a student organization, or;
- (2) at any location, including through electronic media such as email or social networking websites, and involving any university faculty, staff, or students, provided that:
  - (a) The incident occurs at a university-sponsored activity or during an event sponsored by an organization affiliated with the university, including a student organization;
  - (b) The responding party or the impacted party was acting in an official capacity for the university during the incident;
  - (c) The responding party or the impacted party was conducting university business during the incident;

- (d) The conduct has the purpose or reasonably foreseeable effect of substantially interfering with the work or educational performance of UI students, faculty, or staff;
- (e) The conduct creates an intimidating or hostile environment for anyone who is involved in or seeks to participate in university employment, education, on-campus living, or other university-sponsored activities; or
- (f) The conduct demonstrates that the individual poses a reasonable threat to campus safety and security.

b. Acts by persons other than employees or students. The university will make reasonable efforts to address harassment of its faculty, other instructors, staff, or students by persons participating in university-related programs or activities, conducting business with or visiting the university, even if such persons are not directly affiliated with the university. Reports of harassment by visitors to campus and other persons not directly affiliated with the university should be made to an academic or administrative officer or the Office of Institutional Equity (319-335-0705).

## 14.4 Bringing a Complaint

(Amended 7/15; 1/20)

Effective January 2020, this policy has been revised. For individual changes, see the redlined version.

a. Individuals who believe they have experienced harassment are encouraged to report it, even if they are not certain whether a violation of this policy has occurred. Reports of protected class harassment (see II-3 Human Rights) should be brought to the Office of Institutional Equity under this policy. Reports also may be directed separately to other offices under applicable policies and procedures as follows:

(1) Complaints that a student violated the rights of any member of the university community may be investigated under a process initiated by the Dean of Students (such as, but not limited to, the Code of Student Life;

(2) Complaints that a faculty member violated the rights of any member of the university community may be investigated under a process initiated by the Provost (such as, but not limited to, III-15 Professional Ethics and Academic Responsibility);

(3) Complaints that a staff member violated the rights of any member of the university community may be investigated under a process initiated by the Senior Human Resources Leadership Representative for the staff member's unit (such as, but not limited to, III-16 Ethics and Responsibilities for University of Iowa Staff). The Senior Human Resources Leadership Representative may appoint a designee to conduct the investigation with the approval of University Human Resources and the Office of Institutional Equity.

b. A complaint that this policy has been violated may be brought through informal or formal channels by any member of the university community, including a third-party reporter, or by the university itself. A complaint must clearly state the allegations of harassment to warrant an investigation. There is no time limit for bringing a complaint; however, it may be difficult to substantiate the allegations if they are made after significant time has passed. Therefore, prompt reporting of complaints is strongly encouraged.

- c. Substantial weight will be given to the wishes of the impacted party when determining how to respond to a complaint. However, the university may investigate the allegations even without the impacted party's consent, if circumstances warrant (such as when there are multiple complaints of harassment involving the same person or allegations are particularly egregious).
- d. Anyone (impacted parties or others) who wishes to consult with someone about a specific situation without making a complaint, or who wishes simply to learn more about enforcement of this Anti-Harassment Policy may contact any of the following offices or organizations: These offices are exempt from the reporting requirements set forth below in II-14.5e. In addition, staff in these offices and organizations generally have professional or legal obligations to keep communications with their clients confidential. Faculty and staff in other university offices typically do not have confidentiality obligations and may be required to report allegations as described below in II-14.5e.
- (1) Office of the Ombudsperson (for faculty, staff, or students), 308 Jefferson Building;
  - (2) Employee Assistance Program (for faculty or staff), 121-50 University Services Building;
  - (3) University Counseling Service (for students), 3223 Westlawn;
  - (4) Women's Resource and Action Center (for faculty, other instructors, staff, students, or visitors), Bowman House;
  - (5) Domestic Violence Intervention Program (certified advocates) (for faculty, other instructors, staff, students, or visitors), 1105 South Gilbert Court, Iowa City.

## 14.5 Informal Resolution of Complaints

(Amended 5/15; 7/15; 1/20; 6/16/22)

Effective January 2020 and June 16, 2022, this policy has been revised. For individual changes, see the [redlined version](#).

- a. A complaint may be brought informally to any academic or administrative officer of the university (as defined above in II-14.2g(1)). If the complaint alleges harassment based on a protected classification as defined by II-3 Human Rights (race, creed, color, religion, national origin, age, sex, pregnancy (including childbirth and related conditions), disability, genetic information, status as a U.S. veteran, service in the U.S. military, sexual orientation, gender identity, or associational preferences), the complaint should be brought to the Office of Institutional Equity (319-335-0705).
- b. The academic or administrative officer will:
- (1) counsel the impacted or reporting party as to the options available under this policy and, at the impacted party's request, will help the impacted party resolve the complaint informally and/or refer the impacted party to the appropriate office as described below in II-14.6a so that the impacted party may bring a formal complaint; and
  - (2) take appropriate interim action, which may include those actions described below in II-14.10, to address the alleged behavior and protect the health or safety of the impacted party, reporting party, and/or witnesses.

c. The following assistance is available to the academic or administrative officer:

(1) The Office of Institutional Equity will assist in determining whether there is a potential policy violation related to a protected classification, and whether reporting pursuant to paragraph e below is required.

(2) The Threat Assessment Team is available to assist with assessing situations and risk, planning the actions needed, and carrying out those actions. This team may be accessed by contacting Organizational Effectiveness, 121-50 University Services Building. (See also VI-32 University of Iowa Threat Assessment Program or <https://hr.uiowa.edu/tat>.)

(3) For situations involving students, contact the Dean of Students, 135 Iowa Memorial Union.

d. Substantial weight will be given to the wishes of the impacted party when determining how to respond to a complaint. When a complaint is brought informally, the person(s) charged in the complaint will not ordinarily be informed of the complaint without the consent of the impacted party unless circumstances require (such as when there are multiple complaints against the same person or allegations are particularly egregious). No disciplinary action can be taken against a person, and there will be no record of the allegations in the person's employment or student disciplinary file, unless the person is notified of the allegations and given an opportunity to respond.

e. Any academic or administrative officer of the university who becomes aware of specific and credible allegations of harassment based on a protected classification (race, creed, color, religion, national origin, age, sex, pregnancy (including childbirth and related conditions), disability, genetic information, status as a U.S. veteran, service in the U.S. military, sexual orientation, gender identity, or associational preferences), whether through the report of an impacted or a reporting party (including a third-party reporter) or otherwise, shall report the allegations promptly to the Office of Institutional Equity for assistance in evaluating the situation and determining an appropriate course of action, even if the impacted party has requested that no action be taken.

If there is a supervisory relationship between the reporting party and/or impacted party and the responding party, the appropriate course of action will include development of a plan to avoid any perceived or actual conflict of interest until the complaint is resolved.

The initial report may be verbal, but a written report also must be made after the complaint is resolved using the Office of Institutional Equity Informal Harassment Complaint Resolution form, which requires disclosure of the employment or student status of the impacted party(ies), the reporting party(ies) (if other than the impacted party), and the person(s) charged; the department(s) with which those persons are affiliated; a summary of the allegations; and a description of the steps taken to resolve the complaint.

If the person alleged to have engaged in harassment was notified of the existence of the informal complaint and given an opportunity to respond, the names of the parties must be provided to the Office of Institutional Equity. If the person was not informed of the allegations or was not given an opportunity to respond, then the names of the parties shall not be provided to the Office of Institutional Equity.



- f. Reasonable efforts will be made to process complaints within 21 days, giving consideration to the nature of the allegations and the circumstances surrounding the complaint process.
- g. It is the responsibility of the academic or administrative officer who facilitates the informal resolution of the complaint to monitor compliance with the terms of the informal resolution. Sanctions up to and including termination of employment or separation from the university may be imposed in the event that an individual fails to comply with the terms of the informal resolution.

## 14.6 Investigation of Formal Complaints

(Amended 5/15; 7/15; 7/1/17; 9/18; 1/20; 6/16/22)

Effective January 2020 and June 16, 2022, this policy has been revised. For individual changes, see the redlined version.

- a. A formal complaint pursuant to this policy must be brought to one of the following offices for investigation depending upon the status of the responding party and the nature of the allegations:
  - (1) Protected class harassment. If the complaint alleges harassment based on a classification covered by II-3 Human Rights (race, creed, color, religion, national origin, age, sex, pregnancy (including childbirth and related conditions), disability, genetic information, status as a U.S. veteran, service in the U.S. military, sexual orientation, gender identity, or associational preferences), a formal complaint should be brought to the Office of Institutional Equity (202 Jessup Hall, 319-335-0705) regardless of the status of the responding party.
  - (2) Other harassment. If the complaint alleges harassment that is not based on a classification covered by II-3 Human Rights (race, creed, color, religion, national origin, age, sex, pregnancy (including childbirth and related conditions), disability, genetic information, status as a U.S. veteran, service in the U.S. military, sexual orientation, gender identity, or associational preferences), a person should bring a formal complaint to one of the following offices depending on the status of the responding party:
    - (a) Faculty or instructor. If the responding party is a faculty member, teaching assistant, or other instructor, a formal complaint should be brought to the responding party's collegiate dean or to the Office of the Provost (111 Jessup Hall, 319-335-3565);
    - (b) Staff member. If the responding party is a staff member, a formal complaint should be brought to the Senior Human Resources Leadership Representative for the unit employing the responding party;
    - (c) Student. If the responding party is a student, a formal complaint should be brought to the Dean of Students (135 Iowa Memorial Union, 319-335-1162) or the Dean of the Graduate College (201 Gilmore Hall, 319-335-2143).
- b. A formal complaint may be brought after an informal resolution was not successfully reached, or may be brought immediately without pursuing informal resolution.
- c. The purpose of the investigation is to establish whether there is a reasonable basis for believing that a violation of this policy has occurred. In conducting the investigation, the investigating office will make

reasonable efforts to interview the impacted party, the reporting party (if other than the impacted party), and the responding party, and may interview other persons believed to have pertinent factual knowledge, as well as review any relevant documentary evidence. At all times, the investigating office will take steps to ensure confidentiality to the extent possible.

- d. When a formal complaint is brought, the responding party will be informed of the allegations, the identity of the impacted and/or reporting party, and the facts surrounding the allegations. The investigation will afford the responding party an opportunity to respond to the allegations and evidence provided by the reporting party and/or impacted party, and to provide a statement of the facts as perceived by the responding party.
- e. At the conclusion of the investigation, the investigating office will issue a written finding which will summarize the evidence gathered and state whether or not there is a reasonable basis for believing that a violation of this policy has occurred. The written finding will normally be issued within 60 days of when the complaint was filed. When it is not reasonably possible to issue the finding within 60 days, the investigating office will notify the impacted party and the responding party that the finding will be delayed and indicate the reasons for the delay. The impacted party and the responding party will receive a copy of the written finding, which is to remain confidential as defined below by II-14.12c. Third-party reporters will be notified only that the proceedings are concluded.
- f. If the investigating office finds a reasonable basis for believing that a violation of this policy has occurred, the matter will be referred to the appropriate administrator for further consideration as outlined in II-14.7 below.

## 14.7 Process for Formal Disciplinary Action

(Amended 7/15; 1/20)

Effective January 2020, this policy has been revised. For individual changes, see the redlined version.

- a. The following administrators will review the finding of the investigating office:
  - (1) the Office of the Provost, if the responding party is a faculty member or other instructional personnel (except graduate assistants);
  - (2) the office of the vice president or dean responsible for the unit employing the person charged, if the responding party is a staff member (including a graduate assistant, in which case the Dean of the Graduate College also must be notified in order to determine whether ramifications apply for the student's academic progress);
  - (3) the Dean of Students, if the responding party is a student (including a graduate student, in which case the Dean of the Graduate College also must be notified in order to determine whether ramifications apply for the student's academic progress);
- b. The administrator may:
  - (1) accept all or any part of the findings of the investigating office;
  - (2) not accept all or any part of the findings of the investigating office;
  - (3) reach a negotiated settlement of the complaint with the responding party; or

(4) initiate formal disciplinary action.

- c. Violations of this Anti-Harassment Policy may lead to disciplinary sanctions up to and including termination or separation from the University. Sanctions for violations of this policy should be commensurate with the nature of the violation and the responding party's disciplinary history.
- d. In addition to other disciplinary action, persons who are found to have violated this policy may be required to participate in policy and behavioral expectations education. They also may be required to complete community service, enroll in a specific academic course, attend an educational workshop, and/or make restitution for economic damages caused by their behavior.

When the responding party is a faculty or staff member, the Employee Assistance Program, 121-50 University Service Building, is available to assist with locating appropriate resources. When the responding party is a student, University Counseling Service, 3223 Westlawn, is available to assist with locating appropriate resources.

- e. It is the responsibility of the appropriate administrator to follow-up with the parties at a reasonable interval(s) to assess their compliance with the disciplinary and/or remedial sanctions imposed. More serious sanctions, up to and including termination of employment or separation from the University, may be imposed in the event that the individual fails to comply with the sanctions initially imposed.

## 14.8 Applicable Procedures

(Amended 7/1/17; 9/18)

Formal disciplinary action taken in response to alleged violations of this policy by:

- a. tenure track, clinical track, and research track faculty members will be governed by the Faculty Dispute Procedures (III-29) and that portion of those procedures dealing with faculty ethics (III-29.7); instructional track faculty members will be governed by III-10.11 Instructional Track policy and the grievance procedures therein.
- b. staff members will be governed by applicable Regents Merit System Rules and University policies, including III-16 Ethics and Responsibility Statement for Staff, and the applicable grievance procedures, including III-28 Conflict Management Resources for University Staff;
- c. graduate assistants, when dismissal is sought, will be governed by the procedure for dismissal of graduate assistants (III-12.4). When disciplinary action other than dismissal is taken by the dean of the employing college, a graduate assistant may appeal through those procedures established for graduate assistant employees;
- d. students will be governed by Student Misconduct Procedure.

## 14.9 Isolated Behavior

(Amended 9/18)

This section addresses isolated behavior that does not rise to the level of a violation of this policy. However, it should be understood that isolated behavior that is sufficiently severe can constitute harassment in violation of this policy. The purpose of this section is preventative, in that it authorizes and encourages appropriate intervention

designed to avoid a violation of this policy. However, this section shall not apply to constitutionally protected speech as provided in II-14.2c above.

- a. Isolated behavior of the kind described in II-14.2, which does not rise to the level of harassment but which if repeated could rise to that level, demonstrates insensitivity that may warrant remedial measures. Academic or administrative officers who become aware of such behavior in their areas should counsel those who have engaged in the behavior. Such counsel should include a clear statement that the behavior is not acceptable and should cease, information about the potential consequences if such behavior persists, and a recommendation, as appropriate, to undertake an educational program designed to help the person(s) understand the harm caused by the behavior.
- b. After such counseling occurs, if a person continues to engage in the conduct described above in paragraph a, they may be deemed to have engaged in harassment.

## **14.10 Protection of Impacted Parties, Reporting Parties, and Others**

(Amended 1/20; 3/20)

Effective January and March 2020, this policy has been revised. For individual changes, see the redlined version.

- a. Impacted parties will be informed of relevant procedural steps taken during the investigation and any interim protective measures taken. An impacted party may be accompanied by an advocate and other support persons during the investigation process if the impacted party so desires.
- b. Throughout the investigation and resolution of a complaint, steps will be taken to protect impacted parties, reporting parties, witnesses, and others from harm caused by continuation of the alleged harassing behavior.
- c. Retaliation against impacted parties, reporting parties, and/or witnesses who provide information during an investigation pursuant to this policy is prohibited by II-11 Anti-Retaliation. Reasonable action will be taken to assure that impacted parties, reporting parties, and/or witnesses suffer no retaliation as a result of their activities with regard to the process.
- d. Steps that may be taken to protect impacted parties, reporting parties, witnesses, and others from continued harassment and/or retaliation might include:
  - (1) lateral transfers of one or more of the parties in an employment setting and a comparable move if a classroom setting is involved, and
  - (2) arrangement that academic and/or employment evaluations concerning reporting parties or others be made by an appropriate individual other than the responding party.
- e. Any retaliation against impacted parties, reporting parties or witnesses should be reported pursuant to the Anti-Retaliation Policy (II-11). Retaliation may result in disciplinary action against the person committing the retaliatory act(s).
- f. The Provost, a dean, a DEO, or any vice president may, at any time during or after an investigation of allegations of harassment, place on leave or otherwise restrict from employment and/or access to

campus any responding party if the Provost, dean, DEO, or vice president finds that it is reasonably certain that:

- (1) the employee engaged in harassment in violation of this policy, and
- (2) serious and immediate harm will ensue if the person continues to be present at work. Similarly, if the responding party is a student, interim sanctions may be imposed pursuant to Section 10 of the Student Misconduct Procedure.

## 14.11 Protection of the Responding Party

(Amended 9/18; 1/20)

Effective January 2020, this policy has been revised. For individual changes, see the redlined version.

This policy shall not be used to bring knowingly false or malicious allegations of harassment. Making such allegations may subject the complaining party to remedial and/or disciplinary action up to and including termination or separation from the university. Any such disciplinary action will be initiated by the appropriate administrator overseeing the reporting party(ies).

## 14.12 Confidentiality

(Amended 1/20)

Effective January 2020, this policy has been revised. For individual changes, see the redlined version.

- a. In order to empower community members to voice concerns and bring complaints, the confidentiality of all parties will be protected to the greatest extent possible. However, confidentiality cannot be guaranteed in all cases, and legal obligations may require the university to take some action once it is made aware that harassment may be occurring, even when the impacted party is reluctant to proceed. Appropriate university officials will be consulted, including the Office of Institutional Equity when the complaint alleges harassment based on a protected classification (see II-14.5e above), and information will be shared only with those individuals who need to know it to implement this policy.
- b. Impacted parties, third-party reporters, and responding parties are expected to maintain confidentiality as well. They are not prohibited from discussing the situation outside of the work or educational environment. However, the matter should not be discussed in the work or educational environment.
- c. Dissemination of documents relating to complaints of harassment and/or to the investigation of such complaints, other than as necessary to pursue an appeal, grievance, or other legal or administrative proceeding, is prohibited.
- d. Failure to maintain confidentiality by a responding party may be considered to be a form of retaliation in violation of II-14.10c of this policy. Failure to maintain confidentiality by any party (impacted party, third-party reporter, or responding party) may result in disciplinary action.

## 14.13 Education

(9/18)

Training on this policy is included with the mandatory training prescribed in the university's Policy on Sexual Harassment and Sexual Misconduct (see II-4.22b).

