

UNIVERSITY OF IOWA  
REPORT OF THE EXTERNAL REVIEW  
UNIVERSITY AND ATHLETICS DEPARTMENT EMPLOYMENT POLICIES  
APRIL 18, 2018

Submitted by  
Fredrikson & Byron, P.A.  
505 East Grand Avenue, Suite 200  
Des Moines, Iowa 50309-1972

## TABLE OF CONTENTS

	Page
I. Executive Summary .....	1
II. Background and Overview .....	2
A. Statement of Work .....	3
B. The Employment Practices Working Group.....	4
C. Access to Policies, Documents, and University Representatives .....	4
III. University Policies .....	6
A. Designated University of Iowa Operations Manual Policies .....	6
B. Designated Laws .....	7
C. University-wide Policies: Common Provisions .....	8
D. Operations Manual: Human Rights Policy, Chapter 3.....	12
E. Operations Manual: Anti-Harassment Policy, Chapter 14 .....	15
F. Operations Manual: Sexual Harassment Policy, Chapter 4.....	19
G. Operations Manual: Anti-Retaliation Policy, Chapter 11 .....	22
H. Operations Manual: Violence Policy, Chapter 10 .....	24
I. Recommendations for University-wide Policies .....	27
IV. Athletics Department .....	30
A. University of Iowa Athletics Department Policies .....	30
B. Department of Intercollegiate Athletics Policy Manual .....	30
C. Department of Athletics Recruitment Manual for P & S Positions .....	33
D. Athletics Department Orientation Handbook .....	35
E. Conduct & Confidentiality Expectations .....	36
F. Iowa Athletics Department Diversity and Inclusion Plan.....	37

## **I. Executive Summary**

In November 2017, the University of Iowa retained Fredrikson & Byron, P.A., to conduct an external review of its employment practices, and directed that University-wide and Athletics Department policies concerning equitable treatment of employees be reviewed first. The University provided us, the external reviewers, with the policies to be reviewed and access to interview personnel in University Human Resources and the Athletics Department.

We reviewed the identified policies fully aware that policies prohibiting discrimination and harassment do not guarantee there will be no legal claims or guarantee a successful defense against legal claims. Good policies do, however, set expectations, guide behavior, and create systems to hold employees and employers accountable. Ideally, workplace policies communicate an employer's commitment to equitable treatment and create a culture that reduces the risk of legal claims and liability. To be effective, policies must be clear, easily accessible, and promote compliance with applicable law. They must also include effective mechanisms for holding violators accountable.

In addition to reviewing policies, we interviewed leaders in the Athletics Department and representatives of University Human Resources. Information gathered during those interviews guided us to additional policy documents and provided greater understanding of the University's operations. Much of the information gained through interviews will be helpful as the external review moves on from policies to evaluate practices. In all cases, the University personnel interviewed were cooperative and generous with information.

This report includes our determination as to each policy's compliance with key state and federal laws regarding employment discrimination, harassment, and retaliation. We also provide our observations as to each policy's accessibility to employees and recommendations for improvement.

We find the current University-wide Human Rights, Sexual Harassment, Anti-Retaliation, and Violence policies, and the related Athletics Department policies, to be compliant with state and federal workplace laws. For these policies, we provide recommendations as to how the University could choose to clarify, communicate, and generally make these policies more effective. We find the current University-wide Anti-Harassment policy does not accurately communicate what constitutes protected-class harassment in the workplace in compliance with applicable law. Accordingly, we recommend changes to this policy.

We anticipate the external review's next step will be to examine how closely the Athletics Department's practices, in various stages of the employee life cycle, follow University and Athletics Department policies. Accordingly, the next report would identify any gaps between policy and practice within the Athletics Department and provide recommendations for closing those gaps.

## II. Background and Overview

On May 5, 2017, the University of Iowa's president, Bruce Harreld, announced the University would engage an outside firm to conduct an external review of its employment practices.<sup>1</sup> The announcement came after a jury decided in favor of a former employee who claimed discrimination and retaliation.<sup>2</sup> The University subsequently announced the external review would include three phases: Phase 1 covering the Athletics Department, Phase 2 covering Academic and Operational Units, and Phase 3 covering University of Iowa Health Care.

On June 1, 2017, the University announced that a 14-person committee would select the outside firm or firms to conduct the review.<sup>3</sup> The Employment Practices Committee ("Committee") was co-chaired by Peter Snyder, Professor of Internal Medicine and President of Faculty Senate, and Erin Brothers, Senior Sponsored Research Specialist in the Division of Sponsored Programs and past President of UI Staff Council.

In addition to its co-chairs, the Committee included the following faculty, staff, and students:

- Christina Bohannon, Professor in the College of Law
- Shelly Campo, Associate Professor in the Department of Community and Behavioral Health, as well as the Department of Communication Studies, and Associate Dean in the Graduate College
- Ellen Chambers, Deputy Counsel for University of Iowa Hospitals and Clinics
- Monique DiCarlo, Sexual Misconduct Response Coordinator in the Division of Student Life
- Sarah Hansen, Associate Vice President in the Division of Student Life
- Titus Hou, Executive Assistant in University of Iowa Student Government
- Nicole Jardine, Past Secretary of Graduate and Professional Student Government
- Tonya Peoples, Professor of Chemical and Biochemical Engineering and Associate Dean in the College of Engineering
- Nadine Petty, Director of the Center for Diversity and Enrichment
- Alan Reed, Professor and Chief of the Division of Transplant and HPB Surgery

---

<sup>1</sup> Press release available at: <https://now.uiowa.edu/2017/05/university-iowa-review-employment-practices>.

<sup>2</sup> The University entered into a settlement agreement to end the dispute, and also settled a related lawsuit brought by another former employee.

<sup>3</sup> Press release available at: <https://now.uiowa.edu/2017/06/committee-named-begin-external-review-process>.

- Matt Watson, Application Developer for Health Care Information Systems
- Jana Wessels, Associate Vice President in Human Resources

The Committee issued a Request for Qualifications on July 20, 2017, seeking proposals for an external review of “employment policies and practices regarding equitable treatment of the protected classes identified in the Iowa Civil Rights Act (Iowa Code Chapter 216) and in internal University policies.” As set forth in the Request for Qualifications, the University sought an external review of “policies and practices related to hiring, promotion, documentation, compensation, and termination of faculty and staff.”<sup>4</sup>

Outside firms presented proposals to the Committee in October 2017, and the Committee selected Fredrikson & Byron, P.A.,<sup>5</sup> to perform all three phases of the review. The University and Fredrikson & Byron, P.A., entered into a Professional Services Agreement (“PSA”) and Statement of Work on November 6, 2017.<sup>6</sup>

#### **A. Statement of Work**

The Statement of Work agreed to in November 2017 describes our current scope of work with the University of Iowa:

##### Step 1 – Background Information – University of Iowa Athletics

- Meeting(s) with University-designated project work group to review goals and strategy for Step 1 with consideration given to potential goals associated with future project phases.
- Review organizational charts and reporting structures.
- Review results from employee satisfaction surveys or other University assessment instruments conducted within the last five years.
- Interview leadership in Athletics and University Human Resources officials responsible for implementing HR policies.

##### Step 2 – Policies

- Collection and compliance analysis of University-wide written employment policies concerning equitable treatment of protected classes of employees.
- Collection and compliance analysis of written employment policies in Athletics concerning equitable treatment of protected classes of employees.

---

<sup>4</sup> Request for Qualifications available at: <https://uiebid.ionwave.net/PublicDetail.aspx?bidID=5368&ret=CLOS&pg=1&bidNumber=&title=&type=&org=>

<sup>5</sup> Fredrikson & Byron, P.A., attorneys Joseph T. Dixon, III, Emily S. Pontius, and Karen G. Schanfield conducted the interviews and policy reviews and prepared this report.

<sup>6</sup> Statement of Work available at: <https://hr.uiowa.edu/practices-review/statement-of-work>.

The Statement of Work also requires an initial draft report documenting the review, conclusions, and any recommendations derived from the first two steps.

This report provides the compliance analysis described in Step 2. The University is considering an amendment to the current PSA that would expand our current engagement and authorize review of employment practices in the Athletics Department. If the amendment is approved, the results of that compliance analysis will be added to this report.

## **B. The Employment Practices Working Group**

The Employment Practices Working Group (the “Working Group”) was tasked with overseeing the external review. The Working Group included Erin Brothers, Sarah Hansen, James Jorgensen, Nadine Petty, Cheryl Reardon, Shelly Campo, and Debby Zumbach. We met with the Working Group in November 2017 and in January 2018. Cheryl Reardon and James Jorgensen served as our points of contact on factual matters and project scope, and assisted in securing documents and understanding the types of information the University maintains.

## **C. Access to Policies, Documents, and University Representatives**

### **1. Policies and Documents**

The University identified five University-wide policies for review and specified the relevant state and federal laws against which to measure compliance, as described in Section III of this report. In consultation with the University, we identified Athletics Department policies and related documents for the review. The Athletics Department policies were reviewed as described in Section IV of this Report. The University responded positively and timely provided all documents and information we requested.

### **2. Interviews of University Representatives in December 2017 and January 2018**

In December 2017 and January 2018, we conducted interviews of selected University Human Resources and Athletics Department personnel. These interviews provided a general understanding of the complex structure and the culture of both the Human Resources enterprise and the Athletics Department and an overall understanding of the policies identified for review. Additional requests for information and documents were based, in part, on information provided during the interviews. The interviewees were cooperative and forthcoming with information. We interviewed the following University Human Resources and Athletics Department personnel:

#### *Human Resources*

- Keith Becker, Manager, UI Employment Services
- Trevor Glanz, Director, HR Data Management, Associate Director, Compensation and Classification
- Sean Hesler, Director, UI Learning and Development

- Teresa Kulper, Director, Organizational Effectiveness/Learning and Organizational Development
- Robert Millsap, Director of UI Compensation and Classification
- Jennifer Modestou, Director, Equal Opportunity and Diversity, Deputy Title IX Coordinator
- Rebecca Olson, Director of Benefits
- Shelley Stickfort, Senior HR Specialist
- Nathan Stucky, Director, UI Faculty and Staff Disability Services
- Kevin Ward, Senior Director, HR Policy and Administration

*Athletics Department*

- Gary Barta, Director of Athletics
- Barbara Burke, Deputy Director of Athletics
- Mary Curtis, Associate AD, Human Resources (retired)
- Suzanne Hilleman, Associate AD, Human Resources
- Liz Hollingworth, Chair, Presidential Committee on Athletics
- Lori Neu, Assistant Director, Human Resources
- Rachelle Stewart, Assistant Director, Human Resources

### **III. University Policies**

This section addresses University-wide policies related to equitable treatment of employees. As used in this report, “equitable treatment” means the absence of discrimination and harassment based on protected class. Therefore, we reviewed the policies for compliance with the designated state and federal laws that govern workplace discrimination, harassment, and retaliation and assessed whether the policies are clearly written, easy to find, and provide an accessible way for employees to report violations. This section includes a listing of the University-wide policies reviewed, a description of the designated laws against which each policy was measured for compliance, and a discussion of provisions common to multiple policies. We also provide a summary, observations and analysis, and our recommendations related to these policies.

#### **A. Designated University of Iowa Operations Manual Policies**

The University maintains an Operations Manual (available at <https://opsmanual.uiowa.edu>) with policies applicable to the University community. The Operations Manual consists of six sections, each of which is divided into chapters.

The University-wide policies we reviewed are found in the Community Policies section of the Operations Manual. These policies apply to the University community generally, including students, faculty, and staff. The Human Resources section of the Operations Manual contains additional University-wide policies related to employment and some of those policies link to the policies reviewed here. Other policies in the Human Resources section are outside the scope of this external review.<sup>7</sup>

The reviewed policies, in the order they are discussed in this report, are:

1. Human Rights (Chapter 3, available at <https://opsmanual.uiowa.edu/communitypolicies/human-rights>)
2. Anti-Harassment (Chapter 14, available at <https://opsmanual.uiowa.edu/community-policies/anti-harassment>)
3. Sexual Harassment (Chapter 4, available at <https://opsmanual.uiowa.edu/community-policies/sexual-harassment>)
4. Anti-Retaliation (Chapter 11, available at <https://opsmanual.uiowa.edu/community-policies/anti-retaliation>)
5. Violence (Chapter 10, available at <https://opsmanual.uiowa.edu/communitypolicies/violence>)

---

<sup>7</sup> For example: Holidays and Vacations, Insurance, and Student Employees.



## B. Designated Laws

The University identified the following laws against which we were to measure each policy's compliance:

1. Iowa Civil Rights Act (ICRA), Iowa Code ch. 216 (2018), available at <https://www.legis.iowa.gov/docs/code/2018/216.pdf>. (The ICRA prohibits discrimination in employment based on age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, and disability. The ICRA also prohibits retaliation against those who lawfully oppose such unlawful discrimination in employment or file a complaint, testify, or assist in any related proceeding.)
2. Title VII of the Civil Rights Act of 1964 (Title VII), 42 U.S.C. §§ 2000e–2000e-17 (2012), available at <https://www.eeoc.gov/laws/statutes/titlevii.cfm>. (Title VII prohibits discrimination in employment based on race, color, religion, sex, and national origin. Title VII also prohibits retaliation against those who oppose such discrimination, file a charge of discrimination, or testify or otherwise participate in a related investigation, proceeding, or hearing.)
3. Age Discrimination in Employment Act of 1967 (ADEA), 29 U.S.C. §§ 621–634 (2012), available at <https://www.eeoc.gov/laws/statutes/adea.cfm>. (The ADEA prohibits employment discrimination on the basis of age against persons 40 years of age or older. The ADEA also prohibits retaliation against those who oppose age discrimination, file a charge of discrimination, or testify or otherwise participate in any manner in a related investigation, proceeding, or hearing.)
4. Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12101 *et seq.* (2012), available at <https://www.ada.gov/pubs/adastatute08.htm>. (The ADA prohibits employment discrimination on the basis of disability and requires employers to provide reasonable accommodations for persons with disabilities in some circumstances. The ADA also prohibits retaliation against those who oppose disability discrimination, file a charge of discrimination, or testify or otherwise participate in any manner in a related investigation, proceeding, or hearing. Interference with ADA rights is also prohibited.)
5. The Rehabilitation Act of 1973 (Rehabilitation Act), 29 U.S.C. § 701 *et seq.* (2012), available at <https://legcounsel.house.gov/Comps/Rehabilitation%20Act%20Of%201973.pdf>. (The Rehabilitation Act prohibits programs and activities receiving federal financial assistance, including universities, from discriminating in employment on the basis of disability.)
6. Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681–1688 (2012), available at <https://www2.ed.gov/policy/rights/reg/ocr/edlite-34cfr106.html>. (Title IX prohibits discrimination on the basis of gender in employment and all operations of a university.)

7. Family and Medical Leave Act of 1993 (FMLA), 29 U.S.C. § 2601 *et seq.* (2012), available at <https://legcounsel.house.gov/Comps/Family%20And%20Medical%20Leave%20Act%20Of%201993.pdf>. (The FMLA provides eligible employees unpaid, job-protected leave to care for a newborn child, after placement of a child for adoption or foster care, to care for a family member with a serious health condition, or because of an employee’s own serious health condition that makes the employee unable to perform his or her job. The FMLA also provides unpaid, job-protected leave for qualifying exigencies arising from a family member’s active duty or call to active duty in the Armed Forces and to care for a family member who is a service member with a serious injury or illness. Interference with FMLA rights and retaliation for exercising FMLA rights are prohibited.)
8. Equal Pay Act of 1963 (EPA), 29 U.S.C. § 206(d) (2012), available at <https://www.eeoc.gov/laws/statutes/epa.cfm>. (The EPA prohibits employers from wage discrimination on the basis of gender. Retaliation for opposing wage discrimination is prohibited.)
9. Vietnam Era Veterans’ Readjustment Assistance Act of 1974 (VEVRAA), 38 U.S.C. § 4212 (2012), available at <http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title38-section4212&num=0&edition=prelim>. (VEVRAA requires certain employers to take affirmative action to employ and advance in employment covered veterans.)
10. Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. §§ 4301–4335 (2012), available at <http://uscode.house.gov/view.xhtml?path=/prelim@title38/part3/chapter43&edition=prelim>. (USERRA provides for restoration of employment after absence from work due to military service and continuation of health insurance coverage during absence for military service, and prohibits employment discrimination on the basis of military service. Retaliation for acts to enforce USERRA protections is prohibited.)
11. Iowa Veterans Preference Act (IVPA), Iowa Code ch. 35C (2018), available at <https://www.legis.iowa.gov/docs/code/2018/35C.pdf>. (The IVPA requires public employers in Iowa to give veterans preference over other applicants of no greater qualifications and to justify decisions not to interview or select a veteran applicant.)

### **C. University-wide Policies: Common Provisions**

Certain provisions are repeated in multiple University-wide policies designated for review. Each reviewed policy is discussed individually, but we discuss provisions that are repeated in multiple policies in this section to highlight commonalities and differences.

**1. Formal and informal complaint procedures are included in each reviewed policy.**

All University-wide policies reviewed in this report include both formal and informal complaint procedures. An informal complaint is a request that the Office of Equal Opportunity and Diversity (“EOD”) (or another resource specific to the policy) resolve a concern informally with the assistance of other University offices or administrators.

When a complaint is resolved informally, no disciplinary action is taken against the respondent and no record of the complaint is made in the respondent’s personnel file unless the respondent is first notified of the allegations and given an opportunity to respond. The respondent is not informed of the complainant’s identity without the complainant’s consent unless circumstances require that information to be shared.

In some situations, the University may decide a formal investigation is necessary regardless of the complainant’s choice to proceed informally. For example, a formal investigation would be initiated if the allegations are particularly egregious or if there are multiple complaints that involve the same person.

In contrast, when a complainant initiates a formal complaint, EOD or another investigating office conducts a formal investigation to determine whether there is a reasonable basis to conclude, by the preponderance of the evidence, that the respondent violated the policy. Investigations of formal complaints include written notice to the respondent of the filing of the complaint, the identity of the complainant, and the general allegations of the complaint. The respondent is interviewed and given a full opportunity to respond to the allegations. The investigating office may interview other individuals with relevant information if it determines additional interviews are necessary.

The investigating office issues written findings describing the basis for its conclusions within 45 days or 60 days, depending on the specific policy guidelines. The report of written findings is provided to the alleged victim, the respondent, and responsible administrators. The appropriate administrators review the written findings, and determine and implement the appropriate corrective measures or sanctions. The policies provide for administrative follow-up to ensure compliance with sanctions.

The ability to make an informal complaint and potentially reach a relatively quick resolution without disciplinary action or identification of the complainant to the respondent is a commendable aspect of all reviewed policies. Including this option encourages employees to come forward to report and resolve issues with minimal disruption to the workplace.

**2. The Office of Equal Opportunity and Diversity is an identified resource in each reviewed policy.**

EOD is an identified resource common to all of the reviewed policies. EOD must be at least notified of all formal and informal complaints of discrimination and protected-class harassment and violence, even if it is not the original office where the complaint is received. Though EOD is not required to be involved in complaints of retaliation where the underlying complaint involves a protected classification, a complainant has the option of going to EOD for assistance with this type of complaint.

As a resource common to all of these policies, EOD may be highlighted as a one-stop resource for all reports and complaints where protected classes are implicated. EOD's involvement with the procedural aspects of all of these policies ensures that EOD can effectively act as a clearinghouse for information and identify ongoing issues and trends.

### **3. Confidential resources are provided in each reviewed policy.**

All of the reviewed policies include confidential resources that enable employees to learn more about the policies and procedures and consult with experts before bringing a formal or informal complaint. These resources for employees include the Office of the Ombudsperson, the Employee Assistance Program, the Women's Resource and Action Center, the Domestic Violence Intervention Program, and the Rape Victim Advocacy Program.

We commend the University for including confidential resources in all of the reviewed policies. Access to staff with expertise in these areas provides employees with needed support and information when they are making decisions about difficult workplace issues.

### **4. Confidentiality is discussed in each reviewed policy.**

All of the policies reviewed provide for a confidential process, to the extent possible. Alleged victims, complainants, and respondents are instructed to maintain confidentiality by not discussing complaints and investigations in the work environment. Individuals are permitted to share information as necessary to pursue an appeal, grievance, or other process.

The University itself also commits to maintaining confidentiality to the extent possible, with the caveat that information must be shared among those with a need to know in order to effectively implement each policy. The confidentiality provisions also state that a respondent's failure to maintain confidentiality may be considered a form of prohibited retaliation.

The discussion of expectations regarding confidentiality is a positive aspect of the reviewed policies. Confidentiality is important to promoting reports, and is also important to maintaining the integrity of any investigation.

### **5. Retaliation is prohibited by each reviewed policy.**

In addition to the reviewed policy specifically addressing Anti-Retaliation, each of the other reviewed policies includes a provision prohibiting retaliation against alleged victims, complainants, and witnesses who participate in the process. The policies all reference the Anti-Retaliation Policy and state that the University will take reasonable action to prevent and address retaliation.

Addressing potential retaliation is necessary for legal compliance and also helps remove a barrier to timely reporting of workplace issues. We commend the University for including information about retaliation in each policy and for specifically addressing protection of witnesses who provide information during an investigation.

**6. Protection of respondents is addressed in each reviewed policy.**

The reviewed policies each include information about protecting respondents. The policies state that knowingly false or malicious allegations may subject complainants to sanctions, up to and including termination of employment. The policies also state the University will take reasonable steps to restore a respondent's reputation if allegations are not substantiated.

It is important to support members of the University community who are also respondents to a complaint and it is appropriate to impose discipline if an employee knowingly makes a false allegation. Even so, the language used in the reviewed policies may unnecessarily deter reporting. A hesitant complainant may be concerned a respondent will retaliate by accusing him or her of making knowingly false allegations and decide a complaint is not worth the risk. We recommend the University consider revising this language to de-emphasize the risk of reporting. Additionally, including reputation restoration in University policies may cause a respondent to believe he or she is entitled to something that the University may not be able to effectively provide.

**7. Specific and credible allegations are required by multiple policies.**

With the exception of the Anti-Retaliation Policy, each of the reviewed policies provides that complaints must state specific and credible allegations to warrant an investigation. Specific and credible allegations are defined as allegations that 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. This pre-requisite to an investigation could discourage employees from coming forward with complaints.

**8. Multiple policies state there are no time limits for bringing complaints.**

Four of the five reviewed policies provide that there is no time limit to bring complaints. In each case, the policy notes that prompt reporting is encouraged and delays in reporting make it difficult to substantiate allegations. This is yet another positive effort by the University to encourage reporting.

The policy without this language is the Anti-Retaliation Policy. That policy states that complaints must be brought within 180 days after the complainant is aware of retaliation in order to gain the protection of the policy. It is unclear why the University suggests this time limit for reporting retaliation. The benefit of knowing about suspected retaliation seems to outweigh the detriment of time passing. We recommend the University consider removing the 180-day time frame from the policy.

**9. Multiple policies provide for interim action.**

Interim actions, as included in four of the reviewed policies, address the alleged behavior while the complaint is pending in order to protect the health and safety of the alleged victim, complainant, and witnesses. Interim action may include moving an employee, making arrangements for someone else to provide employment evaluations, and even suspending employment. The Human Rights Policy is the only reviewed policy that does not include the potential for interim action while a complaint is pending. We recommend the University consider changing the Human Rights Policy to allow for interim action.

**10. Multiple policies encourage reports even if there is uncertainty as to whether a policy was violated.**

The Human Rights, Anti-Harassment, and Sexual Harassment Policies each contain a statement encouraging people to report conduct they believe to be in violation of a policy, even if they are not certain that a violation has occurred. This is an important statement that encourages reluctant employees to take action when they suspect misconduct. The Anti-Retaliation and Violence Policies do not contain this statement, so we recommend the University consider adding it to those policies.

**11. Multiple policies provide for reporting and investigation without complainant consent in certain circumstances.**

The Anti-Harassment, Sexual Harassment, and Violence Policies provide that academic and administrative officers with knowledge of conduct in violation must report information to EOD. Those same policies state that, in some cases (involving assault, sexual assault, violence, and other egregious circumstances) a formal investigation may take place even if the complainant does not consent. We commend these provisions as important corollaries to the provisions that provide choice and control to complainants. The policies recognize that the safety of the University community must be prioritized in these cases.

**D. Operations Manual: Human Rights Policy, Chapter 3**

The University's Human Rights Policy applies to the entire University community, including students, faculty, and staff. It is the University's primary policy prohibiting protected-class discrimination in admission, housing, education of students, extracurricular life and activities, and in employment.

**1. Protected Classes**

The Human Rights Policy prohibits employment discrimination based on the following protected classes:

- a. Race
- b. Creed
- c. Color
- d. Religion
- e. National origin

- f. Age
- g. Sex
- h. Pregnancy
- i. Disability
- j. Genetic information
- k. Status as a U.S. veteran
- l. Service in the U.S. military
- m. Sexual orientation
- n. Gender identity
- o. Associational preferences
- p. Any other classification that deprives the person of consideration as an individual

The policy also states that reasonable accommodations will be provided to persons with disabilities and to accommodate religious practices, consistent with state and federal laws.

## **2. Retaliation**

The Human Rights Policy provides protection against retaliation for alleged victims, complainants, and witnesses who provide information during an investigation of an alleged violation of the Policy. Allegations of retaliation are addressed in accordance with the Anti-Retaliation Policy.

## **3. Other Key Provisions**

The Human Rights Policy contains formal and informal complaint procedures, appeal procedures, discussion of types of sanctions available, protection for the respondent, information regarding confidentiality when a complaint is made, a list of University resources, and definitions of relevant terms.

The policy encourages reporting even if an individual is not certain whether a violation has occurred. It does not impose a time limit for reporting. Notably, the policy also provides that a complaint “must state specific and credible allegations of discrimination to warrant an investigation,” prohibits “knowingly false or malicious allegations,” and states that a person who makes an allegation that is knowingly false or malicious may be disciplined, up to and including separation from the University. The policy further provides that “reasonable steps will be taken to restore” the reputation of an individual whose reputation was damaged by a “proceeding” if the allegations are not substantiated.

The policy refers to informal and formal complaints. An informal complaint is a request that EOD resolve a complainant’s concern informally, with the assistance of other University offices or administrators, using a flexible process. The accused party (or respondent) is not informed of the complainant’s identity without the complainant’s consent “unless circumstances require.” No disciplinary action is taken and no record of the complaint is made in the respondent’s personnel file unless the respondent is first notified of the allegations and given an opportunity to respond.

In contrast, when a complainant makes a formal complaint, EOD conducts an investigation to determine whether there is a “reasonable basis to conclude, by the preponderance

of the evidence,” that the respondent violated the Human Rights Policy. Investigations of formal complaints include written notice to the respondent of the filing of the complaint, the identity of the complainant, and the general allegations of the complaint. The respondent is interviewed and given a full opportunity to respond to the allegations. EOD may also interview other people with relevant information.

Within 60 days after a formal complaint is filed, EOD issues written findings describing the basis for its conclusions. The report of written findings is provided to the alleged victim, the respondent, and responsible administrators, including the relevant unit’s Chief Administrative Officer (Provost, Vice President, or Dean). The Chief Administrative Officer (“CAO”) reviews EOD’s written findings and determines, after input from EOD and other administrators, the appropriate corrective measures or sanctions. The CAO is responsible for implementing corrective measures or sanctions, informing EOD of the sanctions and/or corrective actions, and notifying the alleged victim when action is taken. An appropriate administrator is assigned to assess compliance.

Sanctions may include termination or separation from employment with the University and are expected to be commensurate with the nature of the violation and the respondent’s disciplinary history.

#### **4. Human Rights Policy: Compliance Analysis and Observations**

##### *Compliance*

The Human Rights Policy complies with the designated state and federal laws by prohibiting discrimination based on protected classes and prohibiting retaliation against individuals who provide information regarding alleged violations of the policy.

##### *Observations*

In reviewing the Human Rights Policy, we noted that aspects of the policy encourage reporting and early resolution. For example, the policy encourages the University community to report conduct even if there is uncertainty as to whether it actually violates the Human Rights Policy. The policy is clear that timely reporting is helpful, but there are no time limits to prevent a later report. Additionally, the policy provides a list of confidential University resources to consult about a potential complaint, and a process for a more confidential and informal resolution that may encourage reluctant reporters to come forward. All of the above policy elements remove barriers that could otherwise prevent reporting and make it more likely that the University will learn about and have an opportunity to resolve issues.

We also note that the policy provides appropriate protection of confidential employee information. EOD’s findings are provided to alleged victims, and third party complainants learn only that the process has concluded. Alleged victims are informed when corrective measures are implemented and information about the specific measures taken is kept confidential.

Finally, we note that the policy provides a meaningful time period for investigation and issuance of a written report, involves the relevant CAO, and assigns responsibility for follow-up after sanctions are imposed or other actions are taken.



## **5. Human Rights Policy Recommendations**

In addition to the recommendations applicable to multiple University-wide policies (pp. 27-29), we provide the following recommendations related to the Human Rights Policy:

- Clarify that pregnancy, as a protected class, includes childbirth and related medical conditions.
- Specify that protected-class harassment is a form of discrimination prohibited by this policy.
- Clearly state that the policy prohibiting discrimination applies to individuals applying for employment with the University, as well as current employees.
- Within the Human Rights Policy, reference the Anti-Harassment and Sexual Harassment Policies, and Chapter 16 in the Human Resources section of the Operations Manual. Chapter 16 contains expectations regarding professional conduct, fairness, and civility in the workplace and discusses equitable treatment.

### **E. Operations Manual: Anti-Harassment Policy, Chapter 14**

The University's Anti-Harassment Policy is the primary policy prohibiting workplace harassment based on protected class, but the policy is not limited to employees or to protected-class harassment. The policy separates conduct from speech and contains provisions concerning free speech and academic freedom protections, as well as examples of harassment that constitutes criminal conduct.

#### **1. Protected Classes**

The Anti-Harassment Policy's prohibitions are not limited to harassment based on protected class, but harassment motivated by one of the protected classes below is subject to a "penalty enhancement" in the form of more severe sanctions. This policy references the more-specific Sexual Harassment Policy.

- a. Race
- b. Creed
- c. Color
- d. Religion
- e. National origin
- f. Age
- g. Sex
- h. Pregnancy
- i. Disability
- j. Genetic information
- k. Status as a U.S. veteran
- l. Service in the U.S. military
- m. Sexual orientation
- n. Gender identity

- o. Associational preferences
- p. Any other classification that deprives the person of consideration as an individual

## **2. Retaliation**

The Anti-Harassment Policy provides protection against retaliation for alleged victims, complainants, and witnesses who provide information during an investigation of an alleged violation of the policy. Allegations of retaliation are addressed in accordance with the Anti-Retaliation Policy.

## **3. Other Key Provisions**

The Anti-Harassment Policy applies to all members of the University community and contains definitions, formal and informal complaint mechanisms, information concerning sanctions, confidentiality provisions, and protections for those accused of violation of the policy. A list of resources for those seeking information on a confidential basis is also included.

The Anti-Harassment Policy distinguishes between harassing conduct and harassing speech. Related to employment, the policy defines harassing conduct as intentional conduct directed toward an identifiable person or persons that is sufficiently severe, pervasive, or persistent that it interferes with work. As to harassment based on oral, written, or symbolic speech, the policy is violated only if: 1) the content consists of those personally abusive epithets which are inherently likely to provoke a violent reaction, 2) the content is a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals, or 3) the content is a threat to a person or group of persons with the intent of placing the victim in fear of bodily harm or death. Conduct protected by the First Amendment and related principles of academic freedom does not violate the policy.

The policy includes examples of prohibited harassment:

- a. Repeated contact after the recipient has made clear that such contact is unwelcome.
- b. Behavior that is threatening or intimidating. However, under the policy, behavior that constitutes speech is considered harassment only to the extent to which it has a direct tendency to incite an immediate violent reaction in a reasonable person or to place a reasonable person in fear of imminent physical harm.
- c. 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.
- d. Stalking as a course of conduct that is directed at a specific person that would cause a reasonable person to feel fear.
- e. Domestic/dating violence which is coercive, abusive, and/or threatening behavior toward a current or former intimate or romantic partner.

The Anti-Harassment Policy also encourages intervention designed to avoid violations of the policy. For isolated behaviors that do not rise to the level of harassment but which, if repeated, could rise to that level, academic and administrative officers may counsel the involved employee that such behavior is not acceptable and about the consequences if the behavior persists. An educational program may be recommended. The policy also acknowledges that single incidents can, under certain circumstances, constitute harassment in violation of the policy.

Any member of the University community who believes harassment based on a protected class has occurred may, at any time, initiate a complaint with EOD. Reporting of incidents is encouraged even if an individual is not certain the policy has been violated. Prompt reporting is encouraged, but there are no time limits for reports. The policy states that complaints must state specific and credible allegations to warrant an investigation.

Complaints may be formal or informal. An informal complaint is a request that an academic or administrative officer or EOD address the situation with the assistance of other offices or administrators. The University will give weight to the alleged victim's wishes but may conduct an investigation without the consent of the alleged victim under certain circumstances, such as when there are multiple complaints involving the same person or the allegations are particularly egregious. Academic and administrative officers of the University who become aware of allegations of harassment based on a protected classification must promptly report this information to EOD, even if the alleged victim has requested that no action be taken.

Where a complainant requests an informal process, the accused party is not informed of the complainant's identity, no disciplinary action is taken, and no record of the complaint is made in the respondent's personnel file unless he or she is first notified of the allegations and given an opportunity to respond. Once an informal complaint is resolved, a report must be made to EOD. The names of the parties will not be provided to EOD unless the alleged violator was informed of the allegations and was given an opportunity to respond.

In contrast, when a complainant makes a formal complaint, there is an investigation to determine whether there is a "reasonable basis for believing that a violation of this policy has occurred." Investigations of formal complaints include notice to the respondent of the filing of the complaint, the identity of the complainant, and the general allegations of the complaint; an interview of the respondent; an opportunity for the respondent to respond to the allegations and evidence; and interviews of others believed to have knowledge of relevant facts.

Written findings are issued by the investigating office within 45 days after a formal complaint is filed. The report of written findings is provided to the alleged victim and the respondent. The appropriate administrator(s) review the findings and determine whether to accept the findings and whether to negotiate a resolution or initiate appropriate disciplinary action, which may include policy and behavioral expectations education, community service, academic course enrollment, restitution, or termination of employment. The appropriate administrator is responsible for implementing corrective measures or sanctions and following up regarding compliance.

#### **4. Anti-Harassment Policy: Compliance Analysis and Observations**

##### *Compliance*

The Anti-Harassment Policy does not clearly and accurately communicate what constitutes protected-class harassment in the workplace in compliance with the designated state and federal laws. Specifically, the policy's definition of harassment as it relates to the content of speech is narrower than what may be considered harassment under the designated laws.

##### *Observations*

To violate the current Anti-Harassment Policy, the content of speech must contain “personally abusive epithets which are inherently likely to provoke a violent reaction,” “a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals,” or “a threat to a person or group of persons with the intent of placing the victim in fear of bodily harm or death.”<sup>8</sup> The federal and state laws against workplace harassment do not set such a high bar for speech to be considered illegal harassment, and the current policy may cause employees to erroneously believe that harassment that falls short of this standard must be tolerated and not reported.

Although we conclude the Anti-Harassment Policy requires revision, we note several positive aspects of the policy. Specifically, the policy recognizes the invidious nature of protected-class harassment by providing for more severe sanctions when actions are motivated by race, creed, color, religion, national origin, age, sex, pregnancy, disability, genetic information, status as a U.S. veteran, service in the U.S. military, sexual orientation, gender identity, or associational preferences.

Similar to the Human Rights Policy, the Anti-Harassment Policy encourages reporting even if there is uncertainty as to whether a violation has occurred, and the policy notes that determination of whether conduct violates the policy is on a case-by-case basis. There are no time limits for reports, and employees have access to confidential resources, listed in the policy, to consult about potential complaints. The option of a more confidential and informal process for resolving complaints likely provides additional encouragement for reluctant reporters. All of the above policy elements remove barriers that could otherwise prevent reporting and make it more likely that the University will learn about and have an opportunity to resolve issues.

We also positively note that the policy provides appropriate protection of confidential employee information, and provides adequate time for investigation and issuance of a written report, as well as follow-up after sanctions are imposed or other actions are taken.

---

<sup>8</sup> These excerpts from the current Anti-Harassment Policy come from the “fighting words” and “true threat” exceptions to First Amendment speech protection. Workplace harassment need not constitute fighting words to violate the Iowa Civil Rights Act, Title VII, and other federal and state laws prohibiting workplace harassment.

## 5. Anti-Harassment Policy Recommendations

In addition to the recommendations applicable to multiple University-wide policies (pp. 27-29), we provide the following recommendations related to the Anti-Harassment Policy:

- Remove the separate section addressing alleged harassment based on the content of speech in 14.2(b) and include verbal conduct in the remaining definition of harassment. Remove the second sentence in 14.2(c)(2).<sup>9</sup> Add examples of protected-class harassment including, for example, persistent, severe, or pervasive verbal attacks, graphic or written statements, or slurs. A statement concerning protection of First Amendment rights should be retained and the University may also consider a separate policy specifically addressing protected speech.
- Revise the “Isolated Behavior” section of the policy to clarify that isolated incidents can violate the policy and employees may be disciplined for isolated incidents.
- Consider requiring periodic anti-harassment training for certain employees, similar to the existing requirement for certain employees to complete training to prevent sexual harassment.

### F. Operations Manual: Sexual Harassment Policy, Chapter 4

The University, like many employers, maintains a separate policy concerning protected-class harassment based on sex. Unlike other types of harassment, sexual harassment may take the form of explicitly or implicitly requiring romantic or sexual conduct as part of the terms and conditions of employment.

#### 1. Protections

The Sexual Harassment Policy forbids sexual harassment by any member of the University community. With regard to employment, the policy defines sexual harassment as:

“persistent, repetitive, or egregious conduct directed at a specific individual or group of individuals that a reasonable person would interpret, in the full context in which the conduct occurs, as harassment of a sexual nature, when:

- (a) Submission to such conduct is made or threatened to be made explicitly or implicitly a term or condition of employment...; or
- (b) Submission to or rejection of such conduct is used or threatened to be used as a basis for a decision affecting employment...; or

---

<sup>9</sup> This sentence reads: “Behavior that constitutes speech is included within this section only to the extent to which it has a direct tendency to incite an immediate violent reaction in a reasonable person or to place a reasonable person in fear of imminent physical harm.”

- (c) Such conduct has the purpose or effect of unreasonably interfering with work... performance, or of creating an intimidating or hostile environment for employment...”

The policy provides examples of sexual harassment, including physical assault; threats; propositions; unwelcome efforts to pursue a relationship; gestures, statements, questions, jokes, or anecdotes that are physical, oral, or through electronic media; patterns of unwelcome conduct involving unnecessary touching, remarks about a person’s clothing or body, remarks relating to sexual activity and sexual experience, and stalking; displays of graphic sexual material; and domestic and dating violence.

## **2. Retaliation**

The Sexual Harassment Policy provides protection against retaliation for alleged victims, complainants, and witnesses who provide information during an investigation pursuant to the Policy. Employees may report retaliation to EOD and are also referred to the Anti-Retaliation policy.

## **3. Other Key Provisions**

The twenty-six-page policy addresses sexual harassment involving students, employees, and others. It contains extensive definitions; describes reporting mechanisms (including for criminal behavior) and reporting and training obligations; identifies confidential resources for consultation without reporting; addresses confidentiality; and describes informal and formal complaint procedures, potential sanctions, and protections for the respondent in the event allegations are false, malicious, or not substantiated.

Any member of the University community may bring a complaint regarding sexual harassment of an employee to the Office of the Sexual Misconduct Response Coordinator (“OSMRC”), to EOD, or to any academic or administrative officer of the University. The policy provides that “Complaints must state specific and credible allegations of discrimination to warrant an investigation.”

The policy requires that faculty and staff meeting certain criteria complete approved training concerning prevention of sexual harassment every three years and that specified employees receive training within six months of beginning employment.

It further specifies that any time an academic or administrative officer observes or becomes aware of a potential violation of the policy, the officer must notify the recipient of the behavior that informal resolution and formal investigation options are available and also provide information regarding available resources. The academic or administrative officer must also inform EOD or OSMRC within two days and provide notice to the Senior Human Resources Leadership Representative of the unit where the alleged behavior occurred or of the unit of the respondent.

Consistent with the other policies reviewed in this report, complainants have the option of pursuing informal or formal complaints. Informal resolution of sexual harassment complaints requires a written report to EOD after resolution. The report requires disclosure of the

employment status of the alleged victim, the complainant(s), the person(s) accused, relevant units, a summary of the allegations, and a description of the steps taken to resolve the complaint. Informal resolution is not available when there are allegations of sexual assault or violent behavior or when there are multiple reports involving the same person.

When a complainant makes a formal complaint, or circumstances otherwise warrant a formal investigation (such as allegations that are particularly egregious or multiple reports regarding the same person), EOD conducts an investigation to determine whether there is a reasonable basis to conclude, by the preponderance of the evidence, that the respondent violated the Sexual Harassment Policy. Investigations of formal complaints include written notice to the respondent of the filing of the complaint, the identity of the complainant, and the general allegations of the complaint, an interview of the respondent, an opportunity for the respondent to respond fully to the allegations, and interviews of others believed to have knowledge of relevant facts.

Within 45 days after a formal complaint is filed, the investigating office issues written findings describing the basis for its conclusions. The report of written findings is provided to the complainant, the respondent, OSMRC, and the appropriate administrator(s). Appropriate corrective measures or sanctions, which may include termination of employment, are decided upon. The appropriate administrator(s) are responsible for implementing corrective measures or sanctions, informing EOD of the sanctions and/or corrective actions, and notifying the complainant when action is taken. The policy does not indicate the complainant will be advised of the action taken. The policy provides procedures for following up regarding compliance.

#### **4. Sexual Harassment Policy: Compliance Analysis and Observations**

##### *Compliance*

The Sexual Harassment Policy substantially complies with the designated state and federal laws prohibiting sexual harassment in the workplace.

##### *Observations*

As observed in preceding policies, the Sexual Harassment Policy minimizes barriers to reporting by encouraging reports even if an individual is not certain whether a violation has occurred and by not imposing time limits for reports. The policy also protects confidential information related to employees and provides for follow-up related to sanctions.

In addition, we observe that the policy mandates a formal process and investigation for particularly egregious cases and there is coordination between EOD and OSMRC.

The policy holds violators accountable even when substance abuse or similar issues are cited as the source of the conduct. Importantly, the policy explicitly recognizes that sexual harassment threatens careers and the well-being of employees, and is especially serious when a supervisor harasses a subordinate. We positively note that this policy includes examples of conduct that violates the policy.

## 5. Sexual Harassment Policy Recommendations

In addition to the recommendations applicable to multiple University-wide policies (pp. 27-29), we provide the following recommendations related to the Sexual Harassment Policy:

- Describe the University’s policy concerning consensual relationships in the Sexual Harassment Policy or in a policy located in the Human Resources section of the Operations Manual.<sup>10</sup> Romantic relationships in the workplace may be problematic because it is often difficult to determine whether meaningful consent was given or maintained, especially in relationships involving a power differential.
- An employee accused of sexual harassment may be suspended only in “extraordinary circumstances” if it is “reasonably certain” that the employee violated the Sexual Harassment Policy and “serious and immediate harm will ensue if the person continues his or her employment.” This standard may not provide sufficient protection for individuals who are subject to physical assault or other egregious forms of sexual harassment. Consider allowing suspension if the University determines it is more likely than not that serious harm will occur if the individual is not temporarily removed from employment.

### G. Operations Manual: Anti-Retaliation Policy, Chapter 11

#### 1. Protected Conduct

The Anti-Retaliation Policy states that retaliation and threats of retaliation will not be tolerated as a response to good faith reports that a policy in the Operations Manual has been violated. Further, the policy states the University will make every reasonable effort to both stop retaliation and provide redress to individuals who were subject to retaliation.

For purposes of the Anti-Retaliation Policy, retaliation means “any materially adverse action or credible threat of a materially adverse action by the University, or member thereof, taken against any faculty member, staff member, or student for having made a good-faith report of University-related misconduct, or taken to deter such a report in the future, or taken against another covered individual because of a close association with someone who has made or may make such a report.”

The policy defines “covered individuals” to include “any person who has participated in complaint proceedings or who has a close association with someone who has reported University-related misconduct or filed a complaint of retaliation.” The policy also defines “good faith report” and “materially adverse action.” Specific to employees, the policy provides additional explanation regarding adverse employment actions such as “discharge, demotion,

---

<sup>10</sup> The University’s Consensual Relationships policy (available at <https://opsmanual.uiowa.edu/community-policies/consensual-relationships-involving-students>) only applies to relationships involving students. The University policy that covers consensual relationships in the employment context (available at <https://opsmanual.uiowa.edu/human-resources/conflict-interest-employment-nepotism>) only addresses the conflict of interest aspect of those relationships and not the potential for conduct that violates the sexual harassment policy or that could lead to a complaint of sexual harassment.



suspension, denial of tenure or promotion, detrimental changes in work assignments, threats, harassment, purposeful exclusion from job interactions, and otherwise being substantially disadvantaged with respect to compensation or the terms, conditions, and privileges of employment.” In addition, the policy states “adverse actions may also include actions or threats not directly related to employment if the actions would dissuade a reasonable faculty or staff member from making or supporting a complaint of University-related misconduct.”

A “good faith report” means disclosure of University-related misconduct made with a belief in the truth of the report which a reasonable person in the reporter’s position could hold based on the facts. A report is not in good faith if made with reckless disregard for or willful ignorance of facts that would disprove the report.

## **2. Other Key Provisions**

Complaints may be formal or informal. Handling of informal complaints may vary from department to department, but individuals handling complaints should inform the complainant regarding formal complaint procedures and mandatory reporting obligations; work confidentially, where possible, to achieve an informal resolution; inform the complainant in writing if formal action is advisable due to the serious nature of the alleged violation; and contact the respective supervisor, Human Resources Unit Representative, Senior Human Resources Leadership Representative, or the Office of General Counsel with questions.

Any person may file a formal complaint of retaliation within 180 days after the complainant becomes aware of the alleged retaliation. The office for filing depends on who is being accused of retaliation. Complaints concerning faculty or instructors should be filed with the dean of the college or the Office of the Executive Vice President and Provost. If the complaint concerns a staff member, the complaint should be directed to the Senior Human Resources Leadership Representative or department head, or the dean or vice president responsible for the unit. In all cases, a complainant may choose to file a complaint with the office that handled the original report of University-related misconduct. Complaints of retaliation related to equitable treatment of protected classes may also be filed with EOD.

Investigations of formal complaints should be completed within 45 days. Investigations include an interview of the person accused and others as needed to determine whether there is a reasonable basis for believing the policy was violated. Informal resolution may be reached during the investigation if there is mutual agreement between the accused and the complainant.

If formal action is necessary, the decision will be made by the Chief Academic Officer of the University for faculty, and by the applicable vice president or Executive Vice President and Provost for staff members. Sanctions for retaliation may include reprimand, probation, suspension, demotion, reassignment, or termination.

## **3. Anti-Retaliation Policy: Compliance Analysis and Observations**

### *Compliance*

The Anti-Retaliation policy is in substantial compliance with the designated state and federal laws.

## *Observations*

The Anti-Retaliation Policy has a broad scope and contains comprehensive definitions of key terms such as “covered individual,” “materially adverse action,” and “good faith report,” to aid in understanding its meaning.

### **4. Anti-Retaliation Policy Recommendation**

In addition to the recommendations applicable to multiple University-wide policies (pp. 27-29), we provide the following recommendation related to the Anti-Retaliation Policy:

- Clearly state that a complaint can be made in good faith even if it is ultimately not supported and that retaliation can occur even when the underlying report is not substantiated.
- The current policy states that protection against retaliation extends to individuals who participate in complaint proceedings and individuals associated with reporters and complainants.<sup>11</sup> The policy should include additional information and language to emphasize that anti-retaliation protections extend to individuals who participate in investigations of complaints.

## **H. Operations Manual: Violence Policy, Chapter 10**

### **1. Protected Classes**

The Violence Policy provides that acts of violence committed by members of the University community are prohibited. The policy’s prohibitions are not limited to violence based on protected class, but violence which harms or demeans members of the community based on the protected classes below is considered “particularly heinous.”

- a. Race
- b. Creed
- c. Color
- d. Religion
- e. National origin
- f. Age
- g. Sex
- h. Pregnancy
- i. Disability
- j. Genetic information
- k. Status as a U.S. veteran
- l. Service in the U.S. military
- m. Sexual orientation
- n. Gender identity

---

<sup>11</sup> In addition to the Anti-Retaliation policy, all of the other University-wide policies reviewed herein address retaliation and specifically state that retaliation against alleged victims, complainants, and witnesses, who participate in the process, is prohibited.

- o. Associational preferences
- p. Any other classification that deprives the person of consideration as an individual

Examples of violent acts that are prohibited include physical assault or abuse, sexual assault or abuse, threats with a weapon, verbal or other threats of physical or sexual assault, domestic/dating violence, stalking, and intentional damage or destruction of private or public property.

The policy states that individuals should call 911 or contact the Department of Public Safety in situations involving physical danger.

## **2. Retaliation**

The Violence Policy provides protection against retaliation for alleged victims, complainants, and witnesses who provide information during an investigation pursuant to the policy. The policy references the Anti-Retaliation Policy.

## **3. Other Key Provisions**

Similar to the other policies reviewed in this report, the Violence Policy includes definitions, formal and informal complaint procedures, protections for the respondent, and confidentiality expectations. In addition, the policy provides a list of behaviors prohibited by the policy<sup>12</sup> and references other University policies related to behavioral expectations.

The policy recognizes the threat to safety posed by violent acts and provides instruction to call 911 or the Department of Public Safety if there is a threat of immediate physical danger. The University community is provided with a list of resources for situations that do not pose a threat of immediate physical danger.<sup>13</sup>

A member of the University community who believes the policy has been violated based on protected class may, at any time, initiate a complaint with the Office of Equal Opportunity and Diversity (EOD).<sup>14</sup> Complaints must state “specific and credible allegations of discrimination” to warrant an investigation. Academic and administrative officers of the University who become aware of allegations of violence based on protected class must promptly report this information to EOD, even if the alleged victim has requested that no action be taken.

---

<sup>12</sup> Prohibited behaviors include physical assault or abuse, sexual assault or abuse, threats with a weapon, domestic/dating violence, stalking, intentional damage or destruction of public or private property, and violent conduct prohibited by the Code of Iowa.

<sup>13</sup> The Office of the Dean of Students, the Department of Public Safety, the Employee Assistance Program, the Threat Assessment Team, and EOD if the issue is related to sexual harassment or discrimination.

<sup>14</sup> If the report alleges dating violence, domestic violence, or stalking of a “romantic or sexual nature,” the report must be brought to the Office of the Sexual Misconduct Response Coordinator or EOD. Reports may also be initiated in the office of the Dean of Students, the Provost’s Office, or the Senior Human Resources Leadership Representative for the unit, depending on the alleged violator.

The University will give weight to the alleged victim's wishes but may conduct an investigation without the consent of the alleged victim under certain circumstances, such as when there are multiple complaints involving the same person or the allegations are particularly egregious.

The policy allows both formal and informal complaints. Informal complaints may be brought to an academic or administrative officer or EOD. The academic or administrative officer will help the complainant resolve the complaint informally and/or refer the complainant to EOD or OSMRC. Appropriate interim measures will also be taken, as needed, to protect health and safety.

In most situations where a complainant requests an informal process, the accused party is not informed of the complainant's identity, no disciplinary action is taken, and no record of the complaint is made in the respondent's personnel file unless he or she is first notified of the allegations and is given an opportunity to respond. Once an informal complaint is resolved, a report must be made to EOD. The names of the parties will not be provided to EOD unless the alleged violator was informed of the allegations and was given an opportunity to respond.

In contrast, when a complainant makes a formal complaint of a violation of the Violence Policy based on a protected class, EOD conducts an investigation to determine whether there is a reasonable basis to conclude, by the preponderance of the evidence, whether the respondent violated the policy. Investigations of formal complaints include written notice to the respondent of the filing of the complaint, the identity of the complainant, and the general allegations of the complaint; an interview of the respondent; an opportunity for the respondent to respond fully to the allegations; and interviews of others believed to have knowledge of relevant facts.

Within 45 days after a formal complaint is filed, EOD issues written findings including the basis for its conclusions. The report of written findings is provided to the complainant, the respondent, and the appropriate administrator(s). The EOD findings are reviewed and the administrator(s) determine whether to accept the findings and whether to negotiate a resolution or initiate appropriate disciplinary action, which may include group counseling, therapy, community service, academic course enrollment, restitution, or termination of employment. The administrator(s) are responsible for implementing corrective measures or sanctions and following up regarding compliance.

#### **4. Violence Policy: Compliance Analysis and Observations**

##### *Compliance*

The Violence Policy prohibits violence motivated by protected classes as well as other violence. The policy is in substantial compliance with the designated state and federal laws.

##### *Observations*

We note that the policy references conduct prohibited by the Iowa Criminal Code but also clarifies that the outcome of criminal proceedings is not dispositive of whether the University's Violence Policy has been violated. In other words, a member of the University community may face disciplinary action even if there is no criminal conviction or guilty plea. However, Section

10.5(a)(8) lists violent conduct prohibited by the Iowa Code, then states that interim sanctions may be imposed if the respondent appeals a criminal conviction. This may create some confusion about whether or not the University can move forward with disciplinary action before a criminal case is final.

The Violence Policy promotes reporting and resolution by not imposing time limits for reports, by providing formal and informal resolution methods, and listing available confidential resources. The policy prioritizes campus safety by providing for interim action and specifying that an investigation may take place even without the complainant's consent.

## **5. Violence Policy Recommendations**

In addition to the recommendations applicable to multiple University-wide policies (pp. 27-29), we provide the following recommendation related to the Violence Policy:

- Remove any potential ambiguity as to whether the University may take disciplinary action while a criminal process is pending.

### **I. Recommendations for University-wide Policies**

The following recommendations apply to two or more of the reviewed University-wide policies and may also apply to University-wide policies outside the scope of this review.

1. Consider summarizing employee expectations related to the University-wide Human Rights, Anti-Harassment, Sexual Harassment, and Anti-Retaliation Policies within the Human Resources section of the Manual. The summary should link to the complete policies but also include steps to report violations and contact information for key resources. The overview should be broadly disseminated in electronic and hard copy form, used in orientation and training sessions for employees and new hires, and made available as a stand-alone resource. It should be clear, simple, and direct.
2. The Human Rights, Anti-Harassment, and Violence Policies provide a list of protected classes which includes "any other classification that deprives the person of consideration as an individual." This is vague and overly broad and should be removed from the reviewed policies, as well as other places where protected classes are listed, to avoid confusion.
3. In some cases, the reviewed policies describe prohibited conduct but do not provide examples of prohibited conduct. We recommend the University consider including examples where doing so would aid understanding. When examples are offered, it is important to note that any list of examples is not exhaustive of all conduct that violates the policy.
4. Consider renaming and grouping policies to facilitate quick reference. First, we recommend titles that more precisely describe the contents. The title of the Human Rights Policy, for example, may not clearly identify for employees that this is the policy that prohibits discrimination. Second, we recommend that

policies regarding employment discrimination, harassment, sexual harassment, and retaliation be in sequence in the Operations Manual.

5. The Human Resources Section of the Operations Manual, at 15.4<sup>15</sup> and 16.4,<sup>16</sup> contains faculty and staff policies that promote respect for differing opinions and prohibit conduct that creates a hostile work environment. We recommend referencing these sections in all of the Community Policies reviewed in this report because they provide employees with additional guidance regarding the University's expectations of employee behavior. We further recommend these policies be renamed so it is clear they address civility and equitable treatment, and prohibit creation of a hostile work environment.
6. The University-wide policies contain terminology that may discourage employees from reporting suspected policy violations. We therefore make the following recommendations:
  - Consider revising policies to minimize or replace the term "alleged victim" to describe an individual who experiences prohibited behavior.
  - Modify or eliminate the requirement of "specific and credible allegations" to investigate conduct. Individuals may conclude, based on this language, that potential complaints will not be considered unless there is clear evidence of a violation before investigation.
  - Remove language concerning restoration of reputation for the respondent if allegations are not substantiated. Individuals may conclude they will have to recant their complaints if allegations are not substantiated.<sup>17</sup>

---

<sup>15</sup> Section 15.4, Human Resources: Responsibilities to Faculty and Staff Colleagues: The faculty member has obligations that derive from common membership in the community of academics. The faculty member respects and defends the free inquiry of others and avoids interference with their work. The faculty member refrains from personal vilification; threatening, intimidating, or abusive language; or conduct that creates a hostile work environment. The faculty member acknowledges contributions of others to the faculty member's work. When asked to evaluate the professional performance of another, the faculty member strives to be objective. In the exchange of criticisms and ideas, the faculty member should show due respect for the rights of others to express differing opinions. However, vigorous debate and criticism are not to be viewed as a lack of respect.

<sup>16</sup> In section 16.4, under Ethics and Responsibilities, the Operations Manual states in relevant part:

- Staff will be fair and treat equitably all members of the University community.
- Staff will adhere to and promote the University Policy on Human Rights.
- Staff will treat members of the University community with dignity and respect. Staff must not engage in, nor permit incivility in or affecting the workplace or classroom.
- Staff will not use threatening, intimidating, or abusive language, or otherwise engage in conduct that creates a hostile environment that interferes with work of the unit.

<sup>17</sup> Further, this language could cause a respondent to believe that he or she is entitled to something that the University cannot realistically provide. Restoration of reputation is very difficult to achieve and whether it is accomplished is a subjective determination.

7. Consider expanding the categories of employees required to report known or suspected harassment, discrimination, violence, and retaliation based on protected class.

## **IV. Athletics Department**

This section addresses key Athletics Department policies related to equitable treatment of employees. We reviewed Athletics Department policies for compliance with University-wide policies and the designated state and federal laws that govern workplace discrimination, harassment, and retaliation. We also reviewed the policies to determine if they were easy to find and clearly written. Recommendations for revision are included.

### **A. University of Iowa Athletics Department Policies**

In consultation with the University, we identified the following resources within the Athletic Department that communicate to employees the key information and policies regarding equitable treatment of protected classes:

1. Department of Intercollegiate Athletics Policy Manual
2. Athletics Department Recruitment Manual for P & S Positions (2017)
3. Athletics Department Orientation Handbook
4. Conduct and Confidentiality Expectations
5. Iowa Athletics Department Diversity and Inclusion Plan

Overall, we commend the Athletics Department for proactive and strategic written communications regarding equitable treatment. The Recruitment Manual, in particular, provides a step-by-step guide with timely reminders regarding diversity priorities, accommodations for applicants with disabilities, and requirements for considering veteran applicants.

### **B. Department of Intercollegiate Athletics Policy Manual**

The Department of Intercollegiate Athletics Policy Manual (the “Department Manual”) is the primary resource for Athletics Department policies and procedures on a wide variety of topics, including those related to employment. It consists of 20 chapters and its stated purpose is to “...provide all personnel with pertinent data relative to their respective duties and responsibilities, afford general information relative to University regulations, and to inform all employees of departmental policies and procedures.” (Department Manual, Sec. I.A, p. 1) All personnel are expected to be knowledgeable about and responsible for all sections of the Department Manual. (Department Manual, Sec. I.B, p. 1)

#### **1. Commitment to Diversity**

The Department Manual, specifically its Introduction and Human Resources sections, contains numerous references to the importance of equitable employment practices. For example, the importance of diversity is noted in the Introduction to the Department Manual, under “Values and Commitments:”

**Respect for the individual and diversity**—The Department values diversity in its people, whether that diversity is expressed by race, creed, color, religion, national origin, age, sex, pregnancy, disability, genetic information, status as a U.S. veteran, service in the U.S. military, sexual orientation, gender identity, or



associational preferences and recognizes the need to work as a team while valuing each individual's self-worth.

Department Manual, Sec. I.D, p. 2.

Also in the Introduction, the Department Manual cites the Athletics Department's Diversity Plan:

The University of Iowa and the Department of Intercollegiate Athletics are committed to equal opportunity and diversity in the recruitment, hiring, promotion, and professional development of staff and students. In this commitment, the Iowa Athletics Department rigorously adheres to The University of Iowa Strategic Plan on Diversity in order to promote excellence in education by increasing the diversity of staff and out student-athlete population.

As to employees, the Athletics Department's goals specifically include increasing the number of minority coaches and administrative staff, increasing opportunity for leadership and visibility among currently under-represented groups, building a critical mass of under-represented coaches and staff, promoting a welcoming climate, and, most importantly, holding all parts of the Athletics Department accountable for achieving the Diversity Plan overall. (Department Manual, Sec. I.I, pp. 4-5)

Similarly, the Sports Administration section of the Department Manual again references the University-wide Human Rights Policy, Sexual Harassment Policy, Anti-Harassment Policy, and Anti-Retaliation Policy. The Department Manual includes a description of the protections afforded to individuals who report misconduct. (Department Manual, Ch. XVI, p. 12.)

## **2. Human Resources Chapter**

Chapter XIII, the Human Resources section of the Department Manual, provides links to the UI Staff Handbook<sup>18</sup> and the University Operations Manual as resources for policies and procedures. It states that the contents of the Human Resources chapter are in addition to the information they contain. The Department Manual addresses a wide array of employment-related topics that address each stage of the employee life cycle, including items such as salaries, bonuses, benefits, conduct and ethics, hiring procedures, discipline, termination and grievances.

### **a. Equal Employment Opportunity**

The Department Manual restates the University's prohibition of discrimination in employment based on each of the protected classes identified in the University-wide policies described in Section III of this report and the University's commitment to equal opportunity.<sup>19</sup>

---

<sup>18</sup> The UI Staff Handbook provides an overview of the University and its policies. It is available at: <https://hr.uiowa.edu/staff-handbook>.

<sup>19</sup> See Section III of this report for a compliance analysis of those policies.

The Department Manual provides contact information for the Office of Equal Opportunity and Diversity at the University. (Department Manual, Sec. XIII.A, p. 14.)

**b. Hiring**

The Department notes that because of the important role minority students have historically played on athletics teams at the University, the Athletics Department has a “special responsibility for equal opportunity and diversity.” Setting a higher standard in this regard than University-wide policies, it states:

*Vigorous* equal opportunity and diversity procedures must be followed when seeking professional personnel at every level of the Department of Athletics...*Special efforts* must be made to search out and consider qualified minority and female candidates for every available coaching, assistant coaching, and administrative position. All reasonable procedures for locating such candidates should be used and are expected to be identified in the recruitment plan of the personnel requisition process. In addition, the PCA Equity Subcommittee shall assume responsibility to review and report annually to the PCA on the ethnic and gender composition of the Department of Athletics Staff.

Department Manual, Ch. XIII, p. 14 (emphasis added).

When recruiting for Professional and Scientific (“P&S”) positions, the recruitment plan must include “affirmative steps to be taken to produce a diverse and competitive pool” and EOD must approve the plan. Off campus advertisements must include the following text:

*The University of Iowa is an equal opportunity/affirmative action employer. All qualified applicants are encouraged to apply and will receive consideration for employment free from discrimination on the basis of race, creed color, national origin, age, sex, pregnancy, sexual orientation, gender identity, genetic information, religion, associational preference, status as a qualified individual with a disability, or status as a protected veteran.*

Department Manual, Ch. XIII, p. 15.

**c. Conduct and Ethics**

In this section the Department Manual describes the relevant Community Policies in the Operations Manual including the Human Rights Policy, Sexual Harassment Policy, Violence Policy, Anti-Retaliation Policy, and Anti-Harassment Policy and provides a link to them. (Department Manual, Ch. XIII, pp. 17-18.)

The Department Manual specifically prohibits employees from engaging in consensual relationships and socializing on a personal level with student-athletes during work and non-work

hours. All regular staff are to receive and sign a copy of the Athletics Department’s Conduct Expectations for Paid and Unpaid Employees which requires Athletics Department employees not only to abide by all University policies, but also to disclose a romantic relationship with a student-athlete to Athletics HR. (Department Manual, Ch. XIII, pp. 18-19.)

The Department Manual also includes direction for Academic and Administrative Officers (“A/AOs”) regarding the duty to notify OSMRC or EOD regarding sexual misconduct. This direction is consistent with the University-wide policies for A/AOs. Contacts and resources for reporting misconduct, including those related to equitable treatment of employees, are listed here as well. (Department Manual, Ch. XIII, p. 19.)

### **3. Compliance Analysis and Observations**

The Department Manual is consistent with the designated University-wide policies and the laws relevant to this report. To the extent that the policies included in the Department Manual differ from University-wide policies, they place greater expectations on Athletics Department staff regarding respect for diversity and equal opportunity in employment.

The Department Manual is well-organized and logically ordered, and uses plain English to explain its expectations of employees. It makes multiple references to the importance of equal opportunity in the workplace. Beyond that, the Department Manual provides multiple links to campus resources and policies, making the Department Manual easy for employees to use. Despite multiple references to “equal opportunity” and “diversity,” there are few references that use the terminology used in the University-wide policies, such as sexual harassment, anti-harassment, and retaliation.

### **4. Athletics Policy Manual Recommendation**

We provide just one recommendation for consideration related to the Department Manual:

- Add a summary of employee expectations related to the University-wide Human Rights Policy, Sexual Harassment Policy, Anti-Harassment Policy, and Anti-Retaliation Policy and include the process for reporting violations and contact information for key resources within and outside the Athletics Department.

#### **C. Department of Athletics Recruitment Manual for P & S Positions**

##### **1. Contents**

The Department of Athletics Recruitment Manual for P & S Positions (the “Recruitment Manual”) is a detailed 16-page step-by-step guide for recruiting employees for P&S positions in the Athletics Department. The current Athletics Department Director is pictured at strategic

intervals throughout the Recruitment Manual, emphasizing the importance of diversity and fair processes.<sup>20</sup>

The Recruitment Manual begins with the following statement:

It is the expectation of the Director of Athletics that each pool of interviewees shall include minority and/or gender-diverse candidates. To meet this expectation, the Search Chair shall be required to network to identify and recruit top women and minority candidates.

*You will provide a description of your efforts toward diversity to the AD if your interview group is not diverse.*

Recruitment Manual, Ch. 1, p. 1 (emphasis in original).

Each of the five chapters of the Recruitment Manual reminds employees of the importance of this directive and operationalizes the expectation of diversity in the recruiting process. For example, Chapter 2 sets forth the expectations for preparing a requisition, including the development of a Recruitment Plan. The Recruitment Manual provides a list of methods for enhancing recruitment of diverse candidates and sets the expectation for a diverse search committee and interview team. The Search Chair is directed to reach out to faculty and staff outside the Athletics Department, if necessary, to meet this expectation.

To meet the needs of applicants with disabilities, the Recruitment Manual contains specific instructions to refer the applicant to EOD if the applicant contacts the Department regarding need for accommodation. Importantly, this is followed by instructions not to share information about the request for accommodation with the Department or search committee. (Recruitment Manual, Ch. 2, p. 5.)

Similarly, the need to identify and recruit women and minority candidates when recruiting and evaluating applicants is restated in Chapter 3. In addition, timely reminders to comply with the Iowa Veterans Preference Act (“IVPA”) are included:

When you see the Veteran Status symbol next to an applicant’s name, this indicates that your applicant has been approved for Veteran’s Preference according to the Iowa Code 35C.1. You will be required to take the following actions:

**Pre-Interview Report** – If the veteran will not be interviewed, you must provide detailed information as to the reason(s) for non-selection of the veteran.

---

<sup>20</sup> Search Committee Members are again reminded of this directive in Chapter 4, on page 9. As part of preparing for and conducting interviews, the search committee must send an email to the Athletics Director explaining the diversity of the interview group (gender and ethnic minority). If there is no diversity, all of the recruitment efforts to identify and invite highly qualified minorities to apply must be listed.

Recruitment Manual, Ch. 3, p. 7 (emphasis in original).

Search committee members are alerted to additional IVPA requirements again in Chapter 4 and Chapter 5. Notably, prior to the interview, the Director of Athletics and the Senior HR Leader for Athletics must be apprised via email of the diversity of the interviewees, if known, and, if there is no diversity, all of the Search Committee members' personal efforts made to identify and invite highly qualified minorities to apply. (Recruitment Manual, Ch. 4, p. 9.)

## **2. Compliance Analysis and Observations**

The Recruitment Manual is consistent with the designated University-wide policies and the laws relevant to this report. To the extent the Recruitment Manual differs from University-wide policies, it places greater expectations on Athletics staff regarding diversity and equal opportunity in employment. The Recruitment Manual is thorough, emphasizes specific hiring practices to increase diversity and accountability, and has a user-friendly format. The Recruitment Manual's guidance on recruiting diverse candidates contains three specific resources for recruiting: NCAA, NACWAA, and hawkeyesports.com.

## **3. Recruiting Manual Recommendations**

We offer one recommendation for improvement related to the Recruiting Manual:

- Add more resources, including those listed at <https://diversity.uiowa.edu/advertising-resources> to assist the Search Committee in recruiting diverse candidates.

## **D. Athletics Department Orientation Handbook**

### **1. Contents**

The Athletics Department's Orientation Handbook is an overview of employee expectations as well as practical information about the Athletics Department. Relevant here, the Orientation Handbook includes a statement in the section on Values and Commitments titled "Respect for the individual and diversity." It provides:

The Department values diversity in its people, whether that diversity is expressed by race, creed, color, religion, national origin, age, sex pregnancy, disability, genetic information, status as a U.S. veteran, service in the U.S. military, sexual orientation, gender identity, associational preferences and recognizes the need to work as a team while valuing each individual's self-worth.

Orientation Handbook, Section IV, p. 3.

The Orientation Handbook references the key policies, including those concerning equitable treatment of employees, located in the Operations Manual and provides a notice regarding Harassment Prevention Education. Employees are directed to complete the education in the first six months of employment and mandatory reporters—A/AOs, coaches, student advisors, supervisors, and Human Resources Representatives—are directed to complete it within

two months of hire. Instructions for enrolling are included and employees are also directed to resources regarding procedures for mandatory reporters. (Orientation Handbook, Section VII, p. 5.)

## **2. Compliance Analysis and Observations**

The Orientation Handbook is consistent with the designated University-wide policies and the laws relevant to this report. It is thorough and easy to understand, but contains only limited reference to University-wide policies related to equitable treatment of protected classes.

## **3. Athletics Orientation Handbook Recommendations**

We repeat here the same recommendation offered for the Athletics Policy Manual:

- Add a summary of employee expectations related to the University-wide Human Rights Policy, Sexual Harassment Policy, Anti-Harassment Policy, and Anti-Retaliation Policy and include the process for reporting violations and contact information for key resources within and outside the Athletics Department.

## **E. Conduct & Confidentiality Expectations**

### **1. Contents**

In September 2017, the Athletics Department adopted its current Conduct & Confidentiality Expectations for Paid and Unpaid Employees. The one page document contains a place for the employee to sign, signifying his or her receipt of the document, understanding of its contents, and agreement to abide by it.

The document includes a statement that all staff are subject to the “policies referenced and contained elsewhere in the *University Operations Manual*.” Specifically, it states that staff members are “bound by all requirements outlined in the University policies on Rights, Sexual Harassment, Consensual Relationships Involving Students, Discrimination, Violence, Anti-Retaliation, and Drug-Free Environment, as examples.” The document lists resources if help is needed: supervisors, senior administrators, the Department’s Human Resource Representative, the Ombudsperson’s Office, and the Office of Equal Opportunity and Diversity.

The document also includes a notice to A/AOs that it is mandatory that they notify the OSMRC or EOD of any reports of sexual misconduct. In addition, the document provides a list of resources for mandatory reporters and other employees to follow if they need to report misconduct or access confidential resources.

## **2. Compliance Analysis and Observations**

The contents of the Conduct & Confidentiality Expectations are consistent with the designated University-wide policies and the laws relevant to this report. However, it contains incorrect titles for University-wide policies.

### **3. Conduct & Confidentiality Expectations Recommendations**

We offer the following recommendations related to the Conduct and Confidentiality Expectations:

- Delete the reference to a “Rights Policy” and replace it with a reference to the University-wide Human Rights Policy. Delete the reference to a “Discrimination Policy” and replace it with a reference to the University-wide Anti-Harassment Policy.
- Add contact information to the list of offices and resources for reporting concerns regarding inequitable treatment of employees.

#### **F. Iowa Athletics Department Diversity and Inclusion Plan**

##### **1. Contents**

The Athletics Department’s Diversity and Inclusion Plan sets forth goals and action items regarding diverse candidate pools for open employment positions, opportunities for underrepresented employees to gain leadership and visibility, and the importance of an environment that is welcoming for employees in underrepresented groups. Like the Recruitment Manual, the Diversity and Inclusion Plan notes that candidate pools and search committees must include minorities. Those that do not must provide justification to the Athletics Director.

##### **2. Compliance Analysis and Observations**

The Diversity and Inclusion Plan is consistent with the designated University-wide policies and the laws relevant to this report.

The Diversity and Inclusion Plan sets worthy goals. We note that there is not a system for measuring progress towards each goal.

##### **3. Diversity and Inclusion Plan Recommendations**

The following recommendation is offered related to the Diversity and Inclusion Plan:

- Assign accountability for specific tasks to specific employees or groups of employees. Build in a system for measuring progress on an annual or more frequent basis.