

## APPENDIX H

### INDIANA STATE UNIVERSITY EQUAL OPPORTUNITY/AFFIRMATIVE ACTION POLICY

#### SECTION I

##### DISSEMINATION

The Equal Opportunity/Affirmative Action Policy will be disseminated to all members of the University community through employee orientation materials, postings on University bulletin boards, and through inclusion in the Indiana State University Handbook and the Indiana State University, Code of Student Conduct. Information concerning the implementation of the Equal Opportunity/Affirmative Action Policy will be disseminated periodically to the faculty, executive/administrative/professional staff, support staff and students. The "Equal Opportunity/Affirmative Action Employer" clause will be included in all official University publications, purchase orders, leases, contracts, and documents covered by Executive Order 11246 as amended and its implementing regulations. The existence of the Equal Opportunity/Affirmative Action Policy will be communicated to present and prospective employees, and such elements of the affirmative action program will be made available as will enable these individuals to know of and avail themselves of its benefits.

Periodic meetings will be conducted with faculty, executive/administrative/professional staff, support staff and students to explain the intent of the Equal Opportunity/Affirmative Action Policy, changes in the policy, and individual responsibility for effective implementation.

#### SECTION II

##### ADMINISTRATION AND IMPLEMENTATION

###### Delegation of Responsibilities

The Indiana State University Board of Trustees has assigned to the University President the responsibility for the development of the policy statement, adherence to the Equal Opportunity/Affirmative Action Policy, and implementation of the Affirmative Action Plan. Specific authority and responsibility are delegated by the University President as follows:

1. The Director, Office of Diversity and Affirmative Action, in consultation with the University General Counsel, is responsible for the University's overall compliance with federal and state legislation and regulations regarding equal opportunity and affirmative action.
2. Consistent with the University's administrative organizational structure, the vice presidents will assume direct responsibility for compliance with the Equal Opportunity/Affirmative Action Policy by all personnel in their respective

administrative areas. The vice presidents will require annual reports from department heads to determine progress toward goals and timetables. Summaries of these reports will be forwarded to the Affirmative Action Office.

3. All faculty, executive/administrative/professional staff, and support staff are responsible to the heads of their departments for adherence to the Equal Opportunity/Affirmative Action Policy and implementation of the Affirmative Action Plan.

##### Organizational Responsibilities

The Director, Office of Diversity and Affirmative Action:

1. Serves as an ex officio member of the President's Commission for Enhancement of Diversity Resources.
2. In consultation with the President's Commission for Enhancement of Diversity, drafts statements, initiates programs, and disseminates information concerning the Equal Opportunity/Affirmative Action Policy and Affirmative Action Plan, with the counsel and assistance of the President's Commission for Enhancement of Diversity Resources and subject to the approval of the University President and the ISU Board of Trustees.
3. Identifies problem areas (see Chapter 60-2.23, OFCCP).
4. Assists persons who seek information about issues relating to discrimination.
5. Assists department heads and supervisors in arriving at solutions to problems relative to implementation of the Affirmative Action Plan.
6. Serves as a liaison between the University and governmental and community agencies with regard to the University's Affirmative Action Plan.
7. Informs department heads and supervisors of the latest developments in the entire affirmative action and equal opportunity area such as recruitment, training, job classification, and conditions of employment.
8. Issues an annual report to the University President and the ISU Board of Trustees evaluating the progress and effectiveness of the Affirmative Action Plan. Subsequently, this report is provided to the library, archives, department heads, University Faculty Senate, Support Staff Council, the Editor of the Indiana Statesman, and to others upon request.

9. Investigates complaints of alleged discrimination and assists in the resolution of these complaints according to the complaint procedures in Section V of this Policy.
10. Recommends to the University President, upon completion of such investigations, steps to be taken or a course of action to be followed to resolve problems.
11. Develops auditing and monitoring systems, in collaboration with the President's Commission for Enhancement of Diversity Resources that will determine the effectiveness of the Affirmative Action Plan. Studies shall be conducted of the recruitment process, salaries, benefits, promotions, terminations, and other areas in which discrimination may occur.
12. Conducts training in equal opportunity/affirmative action areas including sexual harassment and diversity issues.
13. Insures that the Affirmative Action Program report complies with all applicable federal regulations.

### **President's Commission for Enhancement of Diversity Resources**

The President's Commission for Enhancement of Diversity Resources confers with the Director, Office of Diversity and Affirmative Action regarding the review of the Equal Opportunity/Affirmative Action Policy, the implementation of the Policy, and the conduct of studies related to the improvement and strengthening of the University's commitment to affirmative action.

Areas to be monitored by the Director, Office of Diversity include ethnic and gender composition of the faculty, executive/administrative/professional staff, support staff, and student body; ethnic and gender composition of the job applicant flow; total employment selection process including recruitment, position descriptions, application forms, interviews, and final selection procedures; current job assignments of women and minorities; decisions pertaining to promotions and tenure; university sponsored employee benefits programs; salaries; opportunities for professional improvement; and areas of student concerns as listed in Section III of this Policy.

#### **Internal Audit and Reporting System**

The Director, Office of Diversity and Affirmative Action is responsible for monitoring job applications, placements, transfers, promotions, terminations, operating budgets, salaries, and employee benefits programs at all levels to ensure that the University's nondiscrimination policy is carried out. The Director, Office of Diversity and Affirmative Action will submit an annual report to the University President on the effectiveness of the program and provide recommendations to improve any unsatisfactory areas.

## **SECTION III GOALS AND ACTIONS**

### **Goals**

#### **Faculty, Executive/Administrative/Professional and Support Staff Positions**

The University will seek to employ percentages of women and minorities in executive/administrative/professional positions comparable to the percentages of women and minorities at the national or regional level with the requisite skills for specific positions until parity has been reached.

The University will seek to employ percentages of women and minorities as faculty members in each department comparable to the percentages of women and minorities being prepared at the national level with terminal degrees, as defined by each discipline, until parity has been reached.

The University will seek to employ percentages of women and minorities in support staff positions within each area and at all levels of supervisory positions comparable to the percentages of women and minorities having requisite skills in the employment market for Vigo County until parity has been reached.

The University will, whenever possible, continue to make opportunities available for professional growth and improvement of job skills through formal courses, leaves of absence, attendance at workshops and conferences, and on-the-job training, following the University's equal opportunity policy.

#### **Students**

Indiana State University will actively recruit women and minority students at both the graduate and undergraduate levels. The University will ensure that policies and regulations do not discriminate against students on the basis of gender, race, age, national origin, sexual orientation, religion, disability, or veteran status.

Approved exceptions to this policy include such things as the assignment of members of the same gender to a room in a residence hall, separate restroom facilities for men and women, organizations designed for members of one gender (i.e., fraternities, sororities), organizations whose members share a common religious belief, and organizations designed for students whose national origin is outside the United States (i.e., International Student Association).

One (1) graduate and one (1) undergraduate student will be appointed to the President's Commission for Enhancement of Diversity Resources in order to have participation by students in any investigations of student concerns as cited above.

## Actions To Meet Goals

All vacancies and new executive/administrative/professional positions, tenure-track faculty positions, and administrative positions with faculty rank will be published in appropriate media by the respective vice president. The positions will not be filled for a period of 30 days from publication. If a department requests a waiver from the outlined procedures to meet established goals, it may be granted by the Director, Office of Diversity and Affirmative Action.

Recruiting procedures will involve all reasonable professional means of reaching qualified candidates including professional societies, journals, and organizations which involve women and minorities. The statement, "Indiana State University is an Equal Opportunity/Affirmative Action Employer." will be included in recruiting notices. Faculty recruitment efforts will comply with the [Equal Opportunity Faculty Search](#) found on the Office of Diversity and Affirmative Action website: [www.indstate.edu/humres/affactdiversity](http://www.indstate.edu/humres/affactdiversity). Administrative and support staff recruitment efforts will follow the [Hiring Manager's User Guide](#) found at [www.indstate.edu/humres/employment](http://www.indstate.edu/humres/employment), click on "How to Hire Staff."

All vacant and new support staff positions, including job specifications for each position, will be posted on the ISU Human Resources website [www.indstate.edu/humres](http://www.indstate.edu/humres) and all applications will be made through that site. Persons will have at least five days from the date of listing before the positions will be filled.

The vice presidents, deans, chairpersons, and Director, Office of Diversity and Affirmative Action will ensure that women and minorities are actively recruited for faculty and executive/administrative/professional staff positions. The Executive Director for Human Resources will ensure that women and minorities are actively recruited for support staff positions and that all applicants will be encouraged to apply for all types of employment for which they are qualified without regard to gender based stereotypes.

Women and minorities will be represented on faculty and executive/administrative/professional staff search committees and will be involved in the screening of candidates within each area and department. If no women or minorities are in the area or department, such persons shall be invited from other areas or departments to participate in the screening process. All copies of advertisements relating to available faculty and executive/administrative/professional staff positions will be reviewed and approved by the Director, Office of Diversity and Affirmative Action to ensure compliance with affirmative action guidelines. The vice presidents, Executive Director for Human Resources, and Director, Office of Diversity and Affirmative Action will review and approve recruitment plans and selection procedures prior to their implementation. Before any faculty or executive/administrative/professional staff position is offered, the appropriate vice president and the Director, Office of Diversity and Affirmative Action will review the employment recommendations to ensure that equal opportunities were given to women and minorities. Before any support staff position is offered, the Executive Director for Human Resources will review the employment recommendations to ensure equal opportunities were given to women and minorities.

The vice presidents, department heads, Executive Director for Human Resources, Director, Office of Diversity and Affirmative Action, and the President's Commission for Enhancement of Diversity Resources will study job titles and position descriptions in executive/administrative/professional staff and support staff areas to ensure that discrimination is not occurring.

The vice presidents and Executive Director for Human Resources will ensure that exit interviews, where feasible, are conducted with all employees who leave positions in order to determine the cause.

Promotions, leaves, and tenure data will be analyzed annually by the Director, Office of Diversity and Affirmative Action and the President's Commission for Enhancement of Diversity Resources.

The Director, Office of Diversity and Affirmative Action and Human Resources Office will maintain statistics by gender and race on job applicants.

Women and minorities in all positions will have representation on University committees which have responsibilities that affect them. This representation should be proportionate to the numbers of women and minorities employed as faculty, executive/administrative/professional staff, or support staff. Each department head or supervisor will encourage employees to seek opportunities for professional growth, continuing education, and improvement of job skills through formal courses, leaves of absence, attendance at workshops and conferences, and on-the-job training, following the University's equal opportunity policy. An annual review of salaries will be conducted to determine inequities. Any individuals for whom gender or race is judged to have a possible effect upon salary levels within a unit are to be reported by the responsible department head or supervisor to the appropriate vice president, along with supporting evidence and suggestions for possible salary adjustments. The vice president will confer with the Director, Office of Diversity and Affirmative Action before making formal recommendations of salary adjustments to the University President and the ISU Board of Trustees.

A rationale for restructuring units that results in a change in the number or level of positions must be presented to the Director, Office of Diversity and Affirmative Action prior to the implementation of such restructuring.

Faculty, executive/administrative/professional staff, or support staff who believe they have been discriminated against on the basis of gender, race, age, national origin, sexual orientation, religion, disability, or veteran status may file a complaint through procedures outlined in Section V of this Policy.

### Students

The personnel from the Admissions Office will make special efforts to visit schools where enrollment is primarily that of minorities.

Department chairpersons will, as part of their recruiting program, make concerted efforts to recruit additional women and minorities for graduate programs. The Director, Office of Diversity and Affirmative Action will review reports on awarding of fellowships and assistantships.

Persons responsible for the student areas listed in the students section under "Goals" will make information available annually to the Director, Office of Diversity and Affirmative Action.

Annually, the Director, Office of Diversity and Affirmative Action will request that the administration, Student Government Association and Graduate Student Organization appoint proportionate numbers of women and minorities to University committees that directly affect them.

The statement "Women and minorities are encouraged to apply." will be included in departmental brochures relating to educational opportunities.

Students who believe they have been discriminated against on the basis of gender, race, age, national origin, sexual orientation, religion, disability, or veteran status may file a complaint through procedures outlined hereunder.

## SECTION IV

### SEXUAL HARASSMENT

#### Policy

Indiana State University (ISU) is committed to creating and maintaining a positive learning and working environment for its students and employees and will not tolerate sexual harassment. ISU is committed to preventing sexual harassment and to promptly addressing any violations of this policy.

Sexual harassment is prohibited because it is demeaning and degrading and a form of prohibited discrimination on the basis of sex. It is an affront to an individual's dignity, sense of self and self-esteem. As such it can have a negative impact on performance at work or in an academic setting. Sexually harassing behaviors are prohibited by the university and will not be tolerated.

Sexual Harassment is illegal as a violation of several state and federal laws including Title VII of the Civil Rights Act of 1964, and Title IX of the Education Amendments of 1972. As a recipient of federal funds, Indiana State University must comply with these federal statutes. Sexual harassment is also prohibited in the Equal Opportunity and Affirmative Action Policy adopted by the ISU Board of Trustees, effected in 1981 and confirmed in 1993 and 2003.

This policy applies to all persons at the University or attending University sponsored classes, events and programs. Visitors to the campus and workers employed by private firms engaged in business on the campus are expected to comply with this policy.

The Office of Diversity and Affirmative Action is charged with distributing this policy to the University community and providing educational opportunities appropriate to faculty, staff, and students.

#### Definition

Sexual harassment refers to the unwelcome imposition of sexual attention often in the context of a relationship of unequal power. The policy applies to men and women equally with regard to both opposite sex and same sex harassment.

Sexual harassment is any conduct, physical or verbal, that is sexual in nature and which has the effect of unreasonably interfering with an individual's or group's educational or work performance or which creates an intimidating, hostile, or abusive educational or work environment.

Unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the work or educational setting can constitute sexual harassment, if:

- Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, academic status, or progress.
- Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual.

- The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment.
- Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.

Examples of sexually harassing conduct may include, but are not limited to the following: sexual assault; derogatory comments of a sexual nature; displaying sexually suggestive pictures or object; graphic verbal commentaries about an individual's body; impeding, crowding or blocking movements; jokes of a sexual nature; slurs of a sexual nature; suggestive gestures; unwelcome touching.

Conduct may be found to be sexually harassing if it is pervasive or repetitive and sufficiently severe to alter the conditions of employment, education, or participation in University sponsored activities or is a single incident that is sufficiently outrageous or harmful, in and of itself, that it substantially alters the conditions of the environment for the complainant or interferes with an individual's right to gain an education or perform job related responsibility.

Because it is important to safeguard academic freedom and protect the openness and integrity of the teaching process, it is to be understood that discussion of sexual topics and the discussion and display of sexually explicit materials and the touching of students in certain classroom settings may well be professionally appropriate and do not necessarily constitute "sexual harassment." The full context of the actions must be considered.

A claim by an alleged harasser that he or she did not intend to commit sexual harassment is not a defense to a complaint of sexual harassment. Regardless of intent, it is the nature, effect, characteristics and context of the behavior that determine whether the behavior constitutes sexual harassment.

The sanctions that Indiana State University may impose for sexually harassing behavior by a faculty or staff member may include, but are not limited to, reprimand, mandatory training, suspension, demotion, loss of tenure and dismissal. The sanctions imposed for sexually harassing behavior by a student include, but are not limited to, mandatory training, probation, suspension, and expulsion. Sexually harassing behavior by non-students or non-employees may result in restricting the harasser's access to campus. In addition to University imposed sanctions, persons who commit sexual harassment are subject to personal liability for damages suffered by the complainant.

For purposes of this policy, a consensual relationship is any freely and mutually agreed-to dating, romantic, or sexual relationship between adult individuals. The previous existence of a consensual relationship is not considered a defense in the context of a sexual harassment complaint.

The Office of Diversity and Affirmative Action is responsible for coordinating the University response to complaints of sexual harassment, investigations and for providing education about sexual harassment for members of the campus community. The office serves as a clearinghouse for all University sexual harassment complaints and investigations, including those that arise in auxiliary corporations. The office will develop and disseminate sexual harassment complaint procedures to implement this policy and applicable state and federal regulations.

Upon learning of allegations of sexual harassment from an alleged victim, deans, directors, department chairpersons and other officers of the

University shall report such allegations to the Office of Diversity and Affirmative Action within 5 (five) working days.

### **Procedures for Reporting**

A student or employee who believes they are being harassed can discuss their concerns with a Human Resources manager, their direct supervisor or a department Chair, who will in turn contact the Director of Diversity and Affirmative Action.

Any student, staff, or faculty member who believes that she or he has been sexually harassed may initiate an informal complaint or discuss any concerns with the Office of Diversity and Affirmative Action.

A formal investigation shall be initiated by the complainant filing and submitting a Formal Complaint Form with the Office of Diversity and Affirmative Action or by lodging a complaint with the appropriate auxiliary office. The procedures for a formal investigation are available at the Office of Diversity and Affirmative Action.

Mediated interventions can include, but are not limited to, steps to stop the harassing behavior or to remove the complainant or alleged harasser from the harassing environment.

At any time from the initiation of a complaint to the conclusion of the campus investigation, either party or the University may suggest a confidential, non-binding formal mediation of the dispute.

Any student, faculty or staff member may discuss behaviors that could be possible sexual harassment with staff in the Office of Diversity and Affirmative Action without filing a formal complaint. If the behavior described fits the definition of sexually harassing behavior, some intervention may be required.

It is the responsibility of the University to ensure that formal procedures appropriate to University complaints are followed.

Conversations with persons other than those designated do not constitute notice to the University or auxiliaries of allegations of sexual harassment.

Upon receiving a complaint of sexual harassment, the Office of Diversity and Affirmative Action shall inform the complainant of the support services available at the University and in the community. At the University this may include the Office of Counseling and Psychological Services, the Office of Ombudsmen, the Women's Resource Center, Student Health Services, Employee Assistance Programs, and Campus Police.

### **Confidentiality**

The Office of Diversity and Affirmative Action shall maintain confidentiality for all parties to the extent permitted by law. It is the responsibility of the University to take prompt action to correct sexually harassing behavior once it is reported. At the complainant's request, the University shall attempt to intervene in a manner that shall maintain the complainant's anonymity. However, complainants should be aware that in a formal investigation due process requires that the identity of the charging party and the substance of the complaint be revealed to persons charged with harassment.

Students who wish complete confidentiality may obtain confidential counseling and advice about sexual harassment from counselors in the Office of Counseling and Psychological Services or Student Health

Services. Faculty and staff can obtain confidential counseling and advice via employee assistance programs.

Non-party witnesses participating in sexual harassment investigations are prohibited from sharing information revealed to them during the investigation with parties, other witnesses or any individuals outside the investigative process.

The Office of Diversity and Affirmative Action shall keep all written records of investigations or notes of discussion in a confidential, secure location with access to records limited to those persons with a "need to know."

### **Retaliation**

It is illegal to retaliate against anyone reporting or thought to have reported sexual harassment behaviors or who is a witness or otherwise is involved in a sexual harassment proceeding. Encouraging others to retaliate also is illegal. Examples include, but are not limited to, retaliatory grading, evaluation, assignment or ridicule, threats and withholding information to which a person is entitled.

Sanctions imposed for retaliatory behavior by a faculty or staff member include, but are not limited to, reprimand, suspension, demotion, and loss of tenure and dismissal. The sanctions imposed for retaliatory behavior by a student include, but are not limited to, probation, suspension, and expulsion.

### **False Charges**

To make false charges of sexual harassment is a serious offense. In this context, a false charge is one in which the charging party knowingly or recklessly alleges sexual harassment for which there is no basis.

Sanctions imposed for false charges of sexual harassment by a faculty or staff member include, but are not limited to, mandatory training, reprimand, suspension, demotion, and dismissal (loss of tenure).

The sanctions imposed for false charges of sexual harassment by a student include, but are not limited to, mandatory training, probation, suspension, and expulsion.

### **Other Legal Remedies**

Complainants not satisfied with the disposition of their complaint on this campus may contact the Indiana Commission for Civil Rights, the United States Department of Education Office for Civil Rights, or the Equal Employment Opportunity Commission. Contact information is available at the Office of Diversity and Affirmative Action.

(Section IV of the Sexual Harassment Policy revised and approved by the Indiana State University Board of Trustees on October 24, 2003.)

The Equal Opportunity/Affirmative Action Policy is presented in Appendix H.

## SECTION V

### CAMPUS PROCEDURES FOR DISCRIMINATION AND SEXUAL HARASSMENT COMPLAINTS

#### Campus Statement on Discrimination and Sexual Harassment

Indiana State University is committed to creating and maintaining a positive learning and working environment and will not tolerate sexual harassment or prohibited discrimination. Indiana State University maintains and promotes a policy of nondiscrimination on the basis of race, color, religion, national origin, sex, sexual orientation, marital status, pregnancy, age, disability, or veteran's status. This carries out our obligations under Title VII of the Civil Rights Act of 1964, as amended; Title IX of the Education Act of 1972; Section 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act; applicable state statutes, and the Equal Opportunity and Affirmative Action Policy Statement of the Board of Trustees of Indiana State University.

Accordingly, students, and employees, visitors or applicants for employment who believe that they have been subject to such discrimination or sexual harassment or that they have been denied accommodation to which they are entitled for qualified disabilities are encouraged to bring the matter to the attention of the Office of Diversity and Affirmative Action.

#### Eligibility for Filing a Complaint

In order to be eligible to file a complaint under this policy, the complainant must be an ISU student, employee or applicant for employment within 180 calendar days prior to filing the complaint. All students and employees of ISU are covered by the nondiscrimination requirements of Title VII and IX.

The term employee or student as used in this policy refers to all individuals eligible under this section.

#### Time Limit for Filing a Complaint

The University will review any allegations that are based on events occurring no more than 180 calendar days prior to the date the complaint was filed. However, if the complainant did not know, and did not have reason to know of the event when it occurred, the 180 calendar days will begin as of the date the complainant learned or reasonably should have learned of the occurrence of the event, or, in the event of a continuing pattern, from the time of the last known event.

#### Scope of Authority

These procedures apply to discrimination and sexual harassment complaints initiated by Indiana State University students, students and employees, visitors or applicants for employment for actions occurring on campus property or in the areas of employment and related to any employment action, as well as in or outside the classroom, residence halls, study areas, within campus facilities or any programs connected to the University.

#### Offices for Filing Informal or Formal Complaint

Students and employees, who believe that they have experienced sexual or other prohibited harassment or discrimination may go to the Office of Diversity & Affirmative Action for informal discussions of discrimination concerns, or to file a formal complaint. Informal

discussions may result in informal actions to ameliorate or mitigate circumstances. In the formal complaint process the University must notify the alleged offender of the identity of the complainant and the substance of allegations made in the complaint.

#### Origination of a Formal Discrimination/Sexual Harassment Complaint

- A. Within 180 calendar days of the event(s) giving rise to the complaint, an individual should obtain a copy of the *Campus Procedures for Discrimination and Sexual Harassment Complaints* and provide the relevant information to Office of Diversity & Affirmative Action, including:
  - applicable policy alleged to be violated;
  - detailed description of events giving rise to the complaint;
  - name and status of the employee or student,
  - name of any representative;
  - date of submission.
- B. Upon receipt of the complaint, the Director, Office of Diversity & Affirmative Action ("the Director") will make an initial determination whether the complaint appears to be subject to the procedures of the University and alleges facts that, if true, may demonstrate a violation of federal or state nondiscrimination or sexual harassment statutes and/or their implementing regulations, or campus policy.
- C. If the complaint does not appear to violate law or policy, the Director will articulate the reasoning therefore at the meeting with, or within 15 working days of meeting with, the complainant.
- D. If the complaint appears to be within the jurisdiction of the University and appears to violate law or policy, the Director will initiate an investigation to gather further information and will so inform the complainant.
- E. In the event that a complainant declines to file a written formal complaint, and the Director has reason to believe that harassment has occurred, the Director may, at her/his discretion, proceed with an investigation in order to fulfill the responsibility of the university to respond appropriately. This will be done with full knowledge of the complainant.

#### Content of a Formal Complaint

The complainant will present, in writing, all issues and evidence known or which could reasonably have been known, related to the complaint. The written complaint will constitute the scope of the investigation. No additional issues may be presented after the close of the investigation unless there is evidence of facts unknown at the time of the investigation and/or could not reasonably have been known.

#### Investigation of a Formal Complaint

The Investigator will be trained in the appropriate techniques of investigation. Initiation of review of the complaint will commence as promptly as possible. This investigation will result in written findings of fact and recommendations within 45 working days from commencement

of review. During this time the parties will be notified of the investigation process and will have an opportunity to respond and/or provide any relevant information.

With notice to parties, the investigation period may be extended if the investigator believes it necessary for an equitable resolution of the situation.

#### **Informal Disposition of a Formal Complaint**

At any time from the initiation of a complaint to the conclusion of the campus investigation, a complaint may be resolved informally provided the complainant, respondent and appropriate University Vice President mutually agree to the terms and conditions of the proposed settlement.

At any time from the initiation of a complaint to the conclusion of the campus investigation, either party or the University may suggest a confidential, non-binding mediation of the dispute. Both parties and the University must agree to any mediation and any resolution that arises there from.

#### **Time Frame of Investigation**

All time frames indicated in this policy are subject to suspension at the sole discretion of the University during periods outside of the regular Fall and Spring semesters. The parties will be so advised. All references to "day" means a working day.

#### **Report of Findings of Facts in Complaint Against an Employee**

The investigator will forward the investigative report to the respondent and the appropriate campus administrator, the appropriate Dean or Director for an informal complaint, the appropriate Vice President for a formal complaint. The investigative report will address all allegations, applicable legal standards, evidence and will be in writing.

Any recommended corrective action will not necessarily be limited to that requested by the complainant and may include suggested changes in University policy or procedures.

#### **Disposition of a Complaint Against an Employee**

Upon receipt of the findings and recommendations of the investigator, the administrator will review the findings of fact, conclusions and recommendation and may accept, reject, or modify the investigator's recommendations. For an informal complaint, the disposition will be a verbal discussion with the respondent setting out decision and the reasons. For a formal complaint, the disposition will be in writing, setting out the decision and the reasons for it. Notice of the disposition will be sent to all parties within 15 working days after that informal meeting.

#### **Appeal to the President of the University by an Employee**

Any party may appeal a formal complaint decision of the administrator to the President of the University within 20 working days of the posting of the administrator's formal written decision.

The appeal must be in writing and it must be based upon either (a) a claim of the denial of adequate due process during the initial investigation or (b) the existence of substantial new evidence that was unavailable during the initial investigation. The disposition letter will include a statement of reasons. The President, or the President's designee, will mail to all parties a written decision on any appeal within

thirty (30) working days of receipt of the appeal. The President's decision constitutes the final decision at the campus level.

#### **Disposition of a Complaint Against a Student**

Where an investigation shows no probability that sexual harassment occurred, the matter will conclude with notice to the complainant. Where it appears more likely than not that sexual harassment occurred, the investigative report will be sent to the Vice President for Student Affairs and the Student Judicial Center, as a misconduct complaint. The report will include the finding of facts, statement of the law, conclusions and recommendation. The investigator or the Director of Diversity & Affirmative Action will be available to consult with judicial officers or hearing panels on the case. Notice of disposition of the case will be provided to the Office of Diversity & Affirmative Action. Complaints against students in their capacity as a university employee will be treated as complaints against an employee.

#### **Retaliation Prohibited**

Retaliation against a complainant for any complaint filed under this policy is strictly prohibited. A complaint of retaliation may be investigated and sanctioned under this policy as a separate and additional offense.

#### **Recourse to State or Federal Agencies**

An employee, upon conclusion of the campus administrative process, may file an appeal with the Indiana Commission for Civil Rights or the U.S. Equal Employment Opportunity Commission, and students and employees, as well as students may appeal to the Office of Civil Rights of the U.S. Department of Education.

Indiana Commission for Civil Rights, 100 N. Senate Ave., Room N103, Indianapolis, IN 46204-, 317-232-2644 or 800-628-2909

Equal Employment Opportunity Commission, Indianapolis District Office, 101 W. Ohio Street, Indianapolis, IN 46204-4203

Office of Civil Rights, U.S. Dept. of Education, Chicago Office, 111 N. Canal St., Suite 1053, Chicago, IL 60606-7204, 312-886-8434, [ocr\\_Chicago@ed.gov](mailto:ocr_Chicago@ed.gov)

## **SECTION VI**

### **DISABLED VETERANS AND VETERANS OF THE VIETNAM ERA**

#### **Reaffirmation of Policy**

Indiana State University reaffirms its commitment to affirmative action for disabled veterans and Vietnam era veterans. As a government contractor, Indiana State University is subject to Section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974 which requires government contractors to take affirmative action to employ and to advance in employment qualified disabled veterans and veterans of the Vietnam era at all levels of employment including the executive level. Such action shall apply to all employment practices, including, but not limited to hiring, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training.

## Responsibility for Implementation

The responsibility for the University's affirmative action programs is delegated by the University President to the Director, Office of Diversity and Affirmative Action. Responsibilities include, but are not necessarily limited to, developing policy statements, implementing programs, and internal and external communication of information about equal opportunity and affirmative action for disabled veterans and veterans of the Vietnam era.

Any member of the University community who believes he/she has been discriminated against on the basis of gender, race, age, national origin, sexual orientation, religion, disability, or status as a Vietnam veteran may file a complaint. The response options to acts of alleged discrimination are in Section V of this Policy.

## Eligibility for Coverage

For purposes of affirmative action, a disabled veteran, a qualified disabled veteran, and a veteran of the Vietnam era are defined as follows:

1. "Disabled veteran" means a person entitled to disability compensation under laws administered by the Veterans Administration for a disability rated at 30 per cent or more, or a person whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty.
2. "Qualified disabled veteran" means a disabled veteran who is capable of performing a particular job, with reasonable accommodation to his/her disability.
3. "Veteran of the Vietnam era" means a person who served on active duty for a period of more than 180 days, any part of which occurred between February 28, 1961, and May 7, 1975, and was discharged or released therefrom with other than a dishonorable discharge, or was discharged or released from active duty for a service-connected disability, if any of such active duty was performed between February 28, 1961, and May 7, 1975.

Whenever there are physical or mental job qualification requirements in the selection of applicants for employment or other change in employment status (such as promotion, demotion, or training), the requirements shall be related to the specific job or jobs for which the individual is being considered and shall be consistent with business necessity and the safe performance of the job.

## Voluntary Identification

Any disabled veteran or veteran of the Vietnam era who feels he/she is eligible and would like to be considered under this Affirmative Action Plan is invited to voluntarily identify himself/herself to the Human Resources Office or the Affirmative Action Office. Submission of this information is voluntary; refusal to provide it will not subject the individual to any adverse or disciplinary treatment. If the individual does not wish to identify himself/herself until some future time to benefit under the program, he/she may do so at that time.

## Confidentiality of Information

Information obtained concerning an individual's medical condition or history shall be kept confidential, except supervisors and managers may be informed regarding restrictions on the work or duties of individuals with disabilities and regarding necessary accommodation; first aid and

safety personnel may be informed where appropriate, if the condition might require emergency treatment; government officials investigating compliance with the Act shall be provided relevant information upon request; and where required by law.

## Accommodation

The University will make a reasonable accommodation to the physical and mental limitations of a disabled veteran unless such an accommodation would impose an undue hardship on the University. Upon voluntary identification, disabled veterans will be given an opportunity to describe any special methods, skills, and procedures that qualify the person for positions that otherwise would present difficulties because of a disability and the accommodation that the employing department might make that would enable a disabled veteran to perform the job properly and safely, including special equipment, changes in the physical layout of the job, elimination of certain duties relating to the job, or other accommodations.

## Career Counseling

Faculty and executive/administrative/professional staff members who are disabled veterans or veterans of the Vietnam era may consult their department head or supervisor to obtain career counseling. Additional and specialized forms of career counseling for such individuals are available upon request through the appropriate dean and/or vice president.

Human Resources Office staff are available to provide career counseling to support staff persons who are disabled veterans or veterans of the Vietnam era. Information is available regarding career opportunities, promotional lines of advancement, qualification requirements for support staff positions, resources available for upgrading of experience and/or training necessary for position qualification purposes. Support staff who are disabled veterans or veterans of the Vietnam era may avail themselves of employment counseling services by making an appointment with the Human Resources Office.

## SECTION VII

### AFFIRMATIVE ACTION PLAN FOR PERSONS WITH DISABILITIES

#### Reaffirmation of Policy

Indiana State University reaffirms its commitment to affirmative action for persons with disabilities.

As a government contractor, Indiana State University is subject to Sections 503 and 504 of the Rehabilitation Act of 1973 as amended which requires government contractors to take affirmative action to employ and to advance in employment qualified individuals with disabilities at all levels of employment, including the executive level. Such action shall apply to all employment practices, including, but not limited to, the following: hiring; upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training.

#### Dissemination of Policy

The University periodically informs employees and prospective employees of its commitment to engage in affirmative action to increase employment opportunities for qualified individuals with disabilities and posts the policy on bulletin boards. The University enlists the assistance

and support of recruiting sources (i.e., state vocational rehabilitation agencies, organizations of or for individuals with disabilities) for such purposes as advice, technical assistance, and referral of potential employees.

A copy of this Affirmative Action Plan for Persons with Disabilities is provided to each employee of the University. The Equal Opportunity/Affirmative Action Policy Statement is discussed in employee orientation and inservice training programs, and equal employment opportunity posters and bulletins are displayed in conspicuous locations on campus.

The University informs establishments serving persons with disabilities about job opportunities and requests referral of potential employees. The statement, "Indiana State University is an Equal Opportunity/Affirmative Action Employer", is included on correspondence regarding employment opportunities.

### **Responsibility for Implementation**

The responsibility for the University's affirmative action programs is delegated by the University President to the Director, Office of Diversity and Affirmative Action. Responsibilities include, but are not necessarily limited to, developing policy statements, implementing programs, and internal and external communication of information about equal opportunity and affirmative action for persons with disabilities.

Any member of the University community who believes he/she has been discriminated against on the basis of gender, race, age, national origin, sexual orientation, religion, disability, or status as a Vietnam veteran may file a complaint. The response options to acts of alleged discrimination are in Section V of this Policy.

### **Eligibility for Coverage**

For purposes of affirmative action, an individual with a disability is defined as any person who has a physical or mental impairment which substantially limits one or more of such person's major life activities; has a record of such impairment; or is regarded as having such an impairment. An individual with a disability is substantially limited if he/she is likely to experience difficulty in securing, retaining, or advancing in employment because of a disability.

Whenever there are physical or mental job qualification requirements in the selection of applicants or employees for employment or other changes in employment status such as promotion, demotion, or training, to the extent that qualification requirements tend to screen out qualified individuals with disabilities, the requirements shall be related to the specific job or jobs for which the individual is being considered and shall be consistent with business necessity and the safe performance of the job.

### **Voluntary Identification**

Any individual with a disability who feels he/she is eligible and would like to be considered under this Affirmative Action Plan is invited to voluntarily identify himself/herself to the Human Resources Office or the Affirmative Action Office. Submission of this information is voluntary; refusal to provide it will not subject the individual to any adverse or disciplinary treatment. If the individual does not wish to identify himself/herself until some future time to benefit under the program, he/she may do so at that time.

## **Confidentiality of Information**

Information obtained concerning an individual's medical condition or history shall be kept confidential, except supervisors and managers may be informed regarding restrictions on the work or duties of individuals with disabilities and regarding necessary accommodation; first aid and safety personnel may be informed where appropriate, if the condition might require emergency treatment; government officials investigating compliance with the Act shall be provided relevant information upon request; and where required by law.

### **Accommodation**

The University will make a reasonable accommodation to the physical and mental limitations of an employee or applicant unless such an accommodation would impose an undue hardship on the University. Upon voluntary identification, persons with disabilities will be given an opportunity to describe any special methods, skills, and procedures that qualify the person for positions that otherwise would present difficulties because of a disability and the accommodation that the employing department might make that would enable a person with a disability to perform the job properly and safely, including special equipment, changes in the physical layout of the job, elimination of certain duties relating to the job, or other accommodations.

### **Career Counseling**

Faculty and executive/administrative/professional staff members who are persons with disabilities may consult their department head or supervisor to obtain career counseling. Additional and specialized forms of career counseling for such individuals are available upon request through the appropriate dean and/or vice president.

Human Resources Office staff are available to provide career counseling to support staff persons who have disabilities. Information is available regarding career opportunities, promotional lines of advancement, qualification requirements for support staff positions, resources available for upgrading of experience and/or training necessary for position qualification purposes. Support staff who are persons with disabilities may avail themselves of employment counseling services by making an appointment with the Human Resources Office.

## **SECTION VIII**

### **EXHIBIT A**

#### **GUIDELINES FOR ACTING APPOINTMENTS**

1. Except in unusual circumstances, acting or interim appointments will be made only to fill suddenly vacated or newly created positions while a search, internal or external, is being organized to fill the position on a permanent basis.
2. Suddenly vacated or newly established positions should be advertised within the campus community or other media so that qualified persons on the University staff and faculty will have knowledge of the opening and an opportunity to apply.
3. The appropriate vice president will request a written expression by the Director, Office of Diversity and Affirmative Action attesting that procedures are in accord with affirmative action policies and guidelines.

4. All acting or interim appointments will be made by the University President upon the recommendation of the appropriate vice president.
5. The interests of women, minorities, and persons with disabilities should be considered affirmatively when acting or interim appointments are made. An acting appointment may be an "on the job" training opportunity that could help the University to meet part of its affirmative action training responsibility.
6. Except in extenuating circumstances, an acting or interim appointment will not extend beyond the start of the following fiscal year (July 1), and then only with the approval of the University President.
7. The acting or interim appointee will not be involved in the choice of his/her successor if he/she is to be a candidate for the position.

(All search and hire procedures have been addressed above and are accessible through the ISU homepage.)