

VIII. SPECIAL POLICY STATEMENTS

UNIVERSITY POLICY STATEMENT ON COMMUNITY, DIVERSITY, FREEDOM OF EXPRESSION AND HARASSMENT POLICY

Statement of Principles

Drake University's purpose is to transmit knowledge, pursue truth, and encourage the intellectual and moral development of its students through the activities central to academic life: teaching, research, rigorous analysis, debate, study, and service. In pursuit of these goals, Drake encourages and protects diverse perspectives and the free flow of ideas and discussion among its members. Such diversity and differences of opinion generate debate that produce knowledge and a greater understanding of what it means to be fully human.

Drake values the fact that it is a community consisting of men and women of different races, nationalities, religions, physical abilities, sexual orientation, ages, political perspectives and other diverse characteristics. While acknowledging our differences, we affirm the dignity and freedom of every individual. We abhor acts of oppression, be they denial of freedom of expression; discrimination in its various forms of sexism or racism, or intolerance of religion, age, sexual orientation, or political beliefs; or harassment of any member of the University community.

Drake's students, faculty, and staff share the responsibility of respect for each other and for new and opposing ideas. We seek affirmatively to cherish and celebrate difference. We intend that our purpose and commitment to community pervade our campus — our classrooms, libraries, offices, social and academic organizations, studios, recreational facilities, living units — buoyed by freedom, responsibility, and respect for all people. It is education in the most humane and liberating sense to which Drake is dedicated. Drake University upholds freedom of thought and freedom of expression as central to its educational mission. Drake therefore carefully refrains from restricting the exchange of ideas or regulating the content of speech. We realize that freedom of thought and freedom of expression produce conflict and challenge. We encourage civil debate and discussion of divergent perspectives and opinions in a manner that affirms our community. We seek to create a community in which shared purpose transcends difference and respect for human dignity transcends conflict.

The encouragement of civility does not, however, mean that Drake seeks to avoid public debate or suppress open and candid discussion of troubling and controversial issues. Nor do we seek to discourage or chill the expression of unpopular opinions or challenging perspectives. To preserve the University's central role as a public forum of ideas, Drake upholds the right to express unpopular and provocative viewpoints, including expression that may be dramatic, emotive, or imperfectly articulated. We affirm the principle that thoughts and opinions should be subject to the crucible of debate and be judged only in the free marketplace of ideas. Ideas will not be suppressed because they are presently viewed as unpopular or inappropriate by current authorities, nor will expression of those ideas be infringed because it may be perceived as harmful to a particular group or organization. Although the frank and open discussion of social, cultural, artistic, religious, moral, scientific and political issues may be disturbing and even hurtful for some individuals, the principle of free exchange and inquiry takes precedence as it is so fundamental to the educational enterprise.

While cherishing and defending freedom of speech to the full extent protected by the First Amendment of the United States Constitution, Drake University declares its abhorrence of statements that demean, denigrate, humiliate or express hatred toward members of the University community. Words do indeed have consequences. Words may be hurtful. Speech should be a thoughtful process. Speaking irresponsibly can

negatively affect morale, motivation, and community. Responsibility calls us to be sensitive to the harmful effects of hostile speech and to refrain from speaking in demeaning and discriminatory ways.

Any individual who uses bigoted or vicious speech and thereby betrays the ideal of mutual respect and goodwill toward all members of the University community may expect strong and public censure by the administration, faculty and students. Even if expression that is hostile in nature does not rise to the level of harassment which is subject to disciplinary sanction, no person is ever exempt from being reproved by the administration or from being chastised by fellow students, faculty, or staff. To rebuke a speaker for the error of his or her ideas or for the odious nature of their expression is part of the robust and vigorous public debate which is the central purpose of the University. Indeed, every member of the Drake University community has a responsibility to promote civility and mutual respect for every other individual and to thoughtfully challenge those who undermine our community.

Moreover, while the University defends freedom of expression, it will not tolerate acts of harassment. When an individual engages in harmful conduct or threatens a member of or a visitor to the University community, Drake University will take such disciplinary action and respond with such sanctions as are deemed appropriate.

Harassment Regulation

No member of the University community shall engage in harassment of (1) any other member of the University community, whether the harassment occurs on or off campus, or (2) any visitor to the University campus. A person who engages in such conduct will be subject to such disciplinary action as is deemed appropriate. When deemed appropriate, disciplinary action may range from warning to expulsion or dismissal.

A person engages in "harassment" by conduct or communication if he or she intentionally:

1. Harms or intimidates another person by malicious conduct;
2. Subjects another person to offensive physical contact;
3. Interferes with or damages the property of another person without permission or a reasonable ground to believe that permission has been granted; or
4. Subjects another person to alarm by threatening to inflict physical injury to or to cause damage to the property of that other person.

Procedures

Any member of the Drake faculty, staff, or student body, or any visitor to the University, who believes he or she has been subjected to harassment, as defined in this policy, may initiate the following informal and formal actions for complaint resolution.

All complaints of harassment will be handled promptly and treated with as much discretion as practicable. Access of information provided by the complainant will be available only to those persons who have a need to know.

Informal Procedures

The purpose of the informal procedure is to provide an opportunity to mediate a mutually acceptable resolution between the parties. Under the informal procedure, the primary concern is not with determining whether an actual violation of the harassment regulation has occurred but rather with attempting to restore an amicable relationship and sense of community between the parties. A complainant is encouraged to use the informal procedure prior to a formal complaint process.

A complainant may initiate an informal procedure for resolution of a harassment complaint by contacting any appropriate member of the University community including any academic or administrative official of the University such as the director, Human Resources, provost, dean, department chair or director for counseling and assistance. In an informal procedure, the University official will counsel the complainant concerning the options available under the harassment policy and, at the complainant's request, may help the complainant mediate the complaint informally.

If the complainant chooses to proceed with an informal complaint, the University official will inform the accused person(s) of the nature of the complaint, identity of the complainant and actions available under the harassment policy. If the complainant chooses not to proceed with an informal or formal complaint, no written record of the complaint will be kept.

A written summary of the informal mediation proceedings will be made and retained by the University official. A copy of the summary shall be sent to the Director, Human Resources.

An informal complaint must be made within 180 days of the alleged harassment incident.

Formal Procedure

If a complaint cannot be resolved informally or if the complainant chooses to take the complaint through the formal procedure, the complainant may elect to initiate the formal complaint procedure.

A harassment complaint must be made, in writing, to the Director, Human Resources, 1331 27th Street (or other person designated by the President), and should be sent in an envelope marked "Personal and Confidential" within 180 days of the alleged harassment incident, or if an informal complaint has been filed, within 30 days of the final action on that complaint.

The written complaint must include the following information: name, address, and telephone number of the complainant, nature of the complaint; date(s) and location of the occurrence; evidence on which the complaint is based and redress sought by the complainant.

When a formal harassment complaint is made against a student (who is not also an administrator, staff member, or faculty member), the procedures established in the Code of Student Conduct will be followed.

In cases not involving students, the Director, Human Resources (or other person designated by the President) will normally begin an investigation of the alleged harassment complaint within twenty (20) days of receipt of the written complaint. The Director may request assistance in investigating a complaint of harassment from an ad hoc group selected by the University EEO Committee, as appropriate.

The investigation will provide an opportunity for both the complainant and the accused person(s) to submit facts and to identify witnesses to be interviewed. The Director, Human Resources shall be authorized to interview witnesses identified by any party. Upon completion of the investigation, the Director, Human Resources will provide a written report of the formal investigation which details the findings and any recommended actions to the appropriate department head, dean and provost/vice president. If the facts are so disputed that the Director cannot make fact findings, the Director shall issue a finding of probable cause to institute further proceedings. The Director will also provide a quarterly report to the University EEO Committee on the

nature and action of each complaint related to harassment without identifying details of the complaint or the names of the parties involved.

If the report recommends actions against a faculty member that could lead to severe sanctions, including possible dismissal, the Director, Human Resources shall recommend that the dean of the school or college of the faculty member initiate the process leading to official hearings in accordance with the principles and procedures specified in the Academic Charter and in its appendices and in the Statements on Policy and Procedure for the Dismissal of Tenured or Nontenured Faculty applicable to the Standing Committee of the Faculty Senate on Academic Freedom and Tenure (April, 1991).

If the report recommends action against a person who is not a faculty member, the Director, Human Resources shall recommend that the designated University official initiate official hearings and the appropriate grievance procedures as detailed in the student handbook, staff handbook and bargaining unit handbook.

If no probable cause is shown from the investigation, the complainant may appeal, in writing, to the President of the University within ten (10) days of the no probable cause finding. The complainant will be notified from the President's Office, in writing of the President's decision.

Sanctions

Remedial actions will depend upon the severity of the incident. A confidential record of the investigation and settlement will be kept on file in the office of Director, Human Resources. If formal charges are pursued, sanctions will be applied in accordance with disciplinary procedures applicable to the person charged. The sanction or penalty administered under this policy will depend upon all circumstances, including, but not limited to, the offending party's prior record and the specifics regarding the nature of the violation.

Retaliation of any kind against anyone filing a complaint of harassment is prohibited. Initiating a complaint of harassment will not affect the complainant's employment, compensation or work assignments, or, in the case of students, grades, class selection or any other matter pertaining to student status.

Implementation

To assure that all faculty, staff and students of the University are aware of this policy and the University's commitment to a diverse community, to civil debate, to freedom of expression, and to the establishment and maintenance of a working and academic environment free from harassment, copies of this policy will be placed permanently on designated bulletin boards and included in faculty, staff and student orientation programs and handbooks.