

Following is the University of Iowa College of Law's Policy on Equality of Opportunity in Recruiting and Employment. Please read the policy carefully, sign and return the Employer Equal Opportunity Assent Form.

MEMORANDUM

To: Prospective Employers
From: Career Services Committee
Re: Equal Opportunity Interviewing

The University of Iowa College of Law in the employment services it offers its students and alumni is committed to the principles and requirements of equal opportunity established by the American Bar Association, Association of American Law Schools, and federal, state, and university laws and regulations. As an institution, we require employers using the services of the Law School's Career Services Office to assent in writing to these principles.

The University of Iowa College of Law Policy on Equality of Opportunity in Recruiting and Employment Practices requires that:

- 1) Employers using College of Law facilities may not discriminate in their recruitment or hiring of Iowa law students, whether on or off campus, on the basis of race, color, gender, religion, national origin, age, disability, or sexual orientation.
- 2) Employers may not engage in sexual harassment in their recruitment of Iowa law students. Sexual harassment may include unwelcome advances, requests for sexual favors, sexually-oriented comments or other verbal or physical conduct of a sexual nature. It may also include certain amorous relationships that appear to be consensual.
- 3) In accordance with Standard 211 of the ABA Standards for Approval of Law Schools, employers are expected to observe the principle of equal opportunity in their internal employment and promotion decisions and practices.

Following is a copy of the full policy, with the substantive provisions printed in boldface. **No employer may use College of Law facilities or services unless the employer assents, in writing, to the full policy. Please fill out and return the form on the last page; we must have this on file before the Career Services Office can schedule interviews for you at the Law School.** We appreciate your attention to this important matter.

UNIVERSITY OF IOWA COLLEGE OF LAW POLICY ON EQUALITY OF OPPORTUNITY IN RECRUITING AND EMPLOYMENT PRACTICES

I.

- A. The Iowa Law School is committed legally and ethically to the principle of equal opportunity in the employment of its students. Employers and their representatives (hereafter employers) who use College of Law facilities or services may not discriminate in their recruitment or hiring of Iowa law students, whether on or off campus, on the basis of race, color, gender, religion national origin, age, disability, or sexual orientation.**
- B. Employers may not engage in sexual harassment in their recruitment of Iowa law students, whether on or off campus. (The relevant provisions of the University policy defining sexual harassment, as supplemented to help explain their application to employers, are attached as Appendix A.)**
- C. No employer engaged in recruiting Iowa law students may use College of Law facilities or services unless the employer abides by the standards described in paragraphs A and B. Before interviewing at the College of Law, employers will be sent a copy of this Policy to**

which they must assent in writing.

- D. Notwithstanding anything in Paragraphs A or C, an employer may engage in lawful affirmative action programs.**
- E. Any person aggrieved by the conduct of an employer in violation of Part I of this Policy may complain to the Career Services Director, Associate Career Services Director, or other person designated by the Dean (hereafter Director) about the employer's conduct. The Director, after consultation with the complainant and/or victim and notice to the employer, may take appropriate steps to investigate the complaint, resolve it informally, and remedy any violation that may have occurred. The Director shall afford the employer an opportunity to be heard during the investigation.
- F. Should the complainant or victim be dissatisfied with the action proposed to be taken by the Director, that person may seek relief from a standing, three-person subcommittee of the Career Services Committee (hereafter the Subcommittee). The Career Services Committee shall nominate the membership of the Subcommittee, including one student, subject to confirmation by the Dean.
- G. Should the Director conclude that a complaint represents a serious violation of this Policy, he or she shall, prior to acting on the complaint, confer with, and follow any instructions given by, the Subcommittee. The Subcommittee may, in its discretion, confer about the matter with, and shall follow any instructions given by, the entire Career Services Committee. If dealing with a violation requires a decision on a matter of substantive policy, the Director and Subcommittee shall consult about the matter with the entire Career Services Committee, which may specify the action to be taken.
- H. In the event an employer contests the decision or proposed action of the Director, the Subcommittee, or the Career Services Committee, the Career Services Committee shall, in consultation with the Dean, establish an appropriate procedure for resolving the case, which shall protect the rights of any students involved, the College of Law, and the employer.
- I. Any member of the Law School community seeking or involved in the enforcement of the substantive provisions of this Policy shall take all steps possible to insure that the complainant's and/or victim's right to confidentiality is maintained.
- J. The Director shall report regularly to the Career Services Committee on employer compliance with this Policy. Such reports shall include a description of the type and quantity of complaints made about employers, a description of sanctions or other actions taken against employers, and a listing of the names of employers who have been found to be in violation of this Policy. To the extent possible, these reports shall insure the confidentiality of any complainants or victims.
- K. In addition to the reports listed in paragraph H above, the Career Services Office shall maintain separate enforcement files monitoring each employer's compliance with this Policy.
- L. Students are encouraged to consult informally at any time with the Career Services Director, Associate Career Services Director, Ombudsperson, faculty, or other members of the university community about concerns or issues arising out of the recruitment process.
- M. This Policy and any assent by an employer to it is not intended to create any express or implied contractual rights in students.

II.

In accordance with section 6-4(b) of the Bylaws of the Association of American Law Schools, the University of Iowa College of Law is obligated to "pursue a policy of providing its students and graduates with equal opportunity to obtain employment, without discrimination or segregation on the ground of race, color, religion, national origin, sex, age, handicap or disability, or sexual orientation. A member school shall communicate to each employer to whom it furnishes assistance and facilities for interviewing and other placement functions the school's firm expectation that the employer will observe the principle of equal opportunity."

In addition, in accordance with Standard 211 of the ABA Standards for Approval of Law Schools, the University of Iowa College of Law fully expects employers using its facilities or services to "observe the principle of equal opportunity and [to] avoid objectionable practices such as

- (i) refusing to hire or promote members of groups [classified by race, color, religion, national origin, or sex] because of the prejudices of clients or of professional or official associates;
- (ii) applying standards in the hiring and promoting of such individuals that are higher than those applied otherwise;
- (iii) maintaining a starting or promotional salary scale as to such individuals that is lower than is applied otherwise; and
- (iv) disregarding personal capabilities by assigning, in a predetermined or mechanical manner, such individuals to certain kinds of work or departments."

APPENDIX A

THE UNIVERSITY OF IOWA POLICY ON SEXUAL HARASSMENT AND CONSENSUAL RELATIONSHIPS

Division 1. Sexual Harassment

Section 1. RATIONALE.

- (a) Sexual harassment is reprehensible and will not be tolerated by the University. It subverts the mission of the University and threatens the careers, educational experience, and well-being of students, faculty and staff. Relationships involving sexual harassment or discrimination have no place within the University. In both obvious and subtle ways, the very possibility of sexual harassment is destructive to individual students, faculty, staff, and the academic community as a whole. When, through fear of reprisal, a student, staff member, or faculty member submits or is pressured to submit to unwanted sexual attention, the University's ability to carry out its mission is undermined.
- (b) Sexual harassment is especially serious when it threatens relationships between teacher and student or supervisor and subordinate. In such situations, sexual harassment exploits unfairly the power inherent in a faculty member's or supervisor's position. Through grades, wage increases, recommendations for graduate study, promotion, and the like, a teacher or supervisor can have decisive influence on a student's, staff member's, or faculty member's career at the University and beyond.
- (c) While sexual harassment most often takes place in situations of a power differential between the persons involved, the University also recognizes that sexual harassment may occur between persons of the same University status. The University will not tolerate behavior between or among members of the University community that creates an unacceptable working or educational environment.

Section 2. PROHIBITED ACTS.

No member of the University community shall engage in sexual harassment. For the purposes of this policy, sexual harassment is defined as unwelcome advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when

- (a) Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment or status in a course, program, or activity;
- (b) Submission to or rejection of such conduct is used as a basis for an employment or educational decision affecting an individual; or
- (c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or of creating an intimidating, hostile, or offensive

environment for work or learning.

Section 3. EXAMPLES OF SEXUAL HARASSMENT.

Sexual harassment encompasses any sexual attention that is unwanted. Examples of the verbal or physical conduct prohibited by Section 2 above include, but are not limited to

- (a) Physical assault;
- (b) Direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendation;
- (c) Direct propositions of a sexual nature;
- (d) Subtle pressure for sexual activity, an element of which may be conduct such as repeated and unwanted staring;
- (e) A pattern of conduct (not legitimately related to the subject matter of a course if one is involved) intended to discomfort or humiliate, or both, that includes one or more of the following: (i) comments of a sexual nature; or (ii) sexually explicit statements, questions, jokes, or anecdotes;
- (f) A pattern of conduct that would discomfort or humiliate, or both, a reasonable person at whom the conduct was directed that includes one or more of the following: (i) unnecessary touching, patting, hugging, or brushing against a person's body; (ii) remarks of a sexual nature about a person's clothing or body; or (iii) remarks about sexual activity or speculations about previous sexual experience.

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Consensual Relationships and Student Recruitment

An amorous relationship between a student recruit and an employer or employer's representative who is responsible for the evaluation of the student's work or involved in the decision to hire the student raises serious concerns about the possibility of sexual harassment because the power of the employer or representative over the student creates a risk that the student may be exploited. Such a relationship also may raise concerns about unequal treatment of other student recruits seeking employment from the same employer.