

Original

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

SILVIA R. CIANZIO,

Plaintiff,

vs.

IOWA STATE UNIVERSITY, STATE OF
IOWA AND BOARD OF REGENTS,
STATE OF IOWA,

Defendants.

Case No. No. LACL152315

JURY INSTRUCTIONS2026 JUL 21 PM 4:20
CLERK DISTRICT COURT

Instruction No. 1

In this case the Plaintiff, Silvia Ciano, alleges Defendant Iowa State University violated the Iowa Civil Rights Act by discriminating in the payment of wages on the basis of sex. She alleges Iowa State University paid her a lower salary than male professors who performed work requiring substantially equal skill, effort, and responsibility.

For purposes of this case, Defendants Iowa State University, State of Iowa, and Board of Regents, State of Iowa are considered as one Defendant and shall be referred to collectively throughout these instructions as "Iowa State University."

Iowa State University denies Dr. Ciano's claim. Iowa State University also contends that any difference between Dr. Ciano's salary and the salaries of male professors was based upon a factor other than sex.

Do not consider this summary as proof of any claim. Decide the facts from the evidence and apply the law which I will give you after you have heard all the evidence.

Instruction No. 2

My duty is to tell you what the law is. Your duty is to accept and apply this law.

You must consider all of the instructions together because no one instruction includes all of the applicable law.

The order in which I give these instructions is not important.

Your duty is to decide all fact questions.

Do not be influenced by any personal likes or dislikes, sympathy, bias, prejudices or emotions.

Instruction No. 3

Whenever a party must prove something they must do so by the preponderance of the evidence.

Preponderance of the evidence is evidence that is more convincing than opposing evidence. Preponderance of the evidence does not depend upon the number of witnesses testifying on one side or the other.

Instruction No. 4

You shall base your verdict only upon the evidence and these instructions. Evidence is:

- Testimony in person or by deposition.
- Exhibits received by the court.
- Stipulations which are agreements between the parties.
- Any other matter admitted (for example, answers to interrogatories, matters of which judicial notice was taken, and etc.).

Evidence may be direct or circumstantial. The weight to be given any evidence is for you to decide.

Sometimes, during a trial, references are made to pre-trial statements and reports, witnesses' depositions, or other miscellaneous items. Only those things formally offered and received by the court are available to you during your deliberations. Documents or items read from or referred to which were not offered and received into evidence are not available to you.

The following are not evidence:

- Statements, arguments, questions and comments by the lawyers or ~~Defendant Allen~~ during voir dire, opening, questioning, or closing.
- Objections and rulings on objections.
- Any testimony I told you to disregard.
- Anything you saw or heard about this case outside the courtroom.

You will decide the facts from the evidence. Consider the evidence using your observations, common sense and experience. You must try to reconcile any conflicts in the evidence; but, if you cannot, you will accept the evidence you find more believable.

In determining the facts, you may have to decide what testimony you believe. You may believe all, part, or none of any witnesses' testimony.

There are many factors which you may consider in deciding what testimony to believe, for example:

1. Whether the testimony is reasonable and consistent with other evidence you believe;
2. The witnesses' appearance, conduct, age, intelligence, memory and knowledge of the facts; and
3. The witnesses' interest in the trial, their motive, candor, bias, and prejudice.

Instruction No. 5

In considering the evidence, you make deductions and reach conclusions according to reason and common sense. Facts may be proved by direct evidence, circumstantial evidence, or both. Direct evidence is evidence from a witness who claims actual knowledge of a fact, such as an eyewitness. Circumstantial evidence is evidence about a chain of facts which show a ~~Defendant is guilty or not guilty~~. The law makes no distinction between direct evidence and circumstantial evidence. Give all the evidence the weight and value you think it is entitled to receive.

Instruction No. 6

During this trial, you have heard the word “interrogatory.” An interrogatory is a written question asked by one party or another, who must answer it under oath in writing. Consider interrogatories and the answers to them as if the questions had been asked and answered here in court.

Instruction No. 7

You have heard evidence claiming Silvia Cianzio and employees of Iowa State University made statements before this trial while not under oath.

If you find such statements were made, you may regard the statements as evidence in this case the same as if the statements had been made under oath during the trial.

If you find such statements were made and were inconsistent with the witness' testimony during the trial, you may also use the statements as a basis for disregarding all or any part of that witness' testimony during the trial, but you are not required to do so. You should not disregard any person's testimony during the trial if other credible evidence supports it or if you believe it for any other reason.

Instruction No. 8

From time to time during the trial, I was called upon to make rulings of law on objections or motions made by the lawyers. It is the duty of the parties or their counsel to object when another party offers testimony or other evidence that they believe is not properly admissible. You should not show prejudice against a lawyer or the party they represent because either made objections. You should not infer or conclude from any ruling or other comment I made that I had any opinions on the merits of the case favoring one side or the other. If I sustained an objection that goes unanswered by the witness, you should not draw any inferences or conclusions from the question itself.

Instruction No. 9

The fact that Iowa State University is governmental entity and that Siliva Cianzio is a human being should not affect your decision. All parties are equal before the law and entitled to the same fair and conscientious consideration.

In reaching your verdict, you may not consider how any money damages may be paid.

Instruction No. 10

To prevail on her claim for wage discrimination in employment under the Iowa Civil Rights Act, Plaintiff Silvia Cianzio must prove both of the following:

1. Iowa State University employed Dr. Cianzio and one or more males in positions requiring substantially equal skill, effort, and responsibility.
2. Dr. Cianzio was paid a lower salary than one or more males in positions requiring substantially equal skill, effort, and responsibility.

If Dr. Cianzio proved both of the above elements, you must consider whether Iowa State University proved whether the pay differential was based on a factor other than sex as described in Instruction No. 12.

Instruction No. 11

“Substantially equal” means equal or nearly equal in the essential aspects of the job. You should consider the actual job requirements, as opposed to job classifications, job descriptions, or job titles. In addition, you should consider the jobs overall, as opposed to individual segments of the jobs. You may disregard any superficial differences required to perform the jobs.

“Skill” means experience, training, education, and ability. Equal skills refer only to the skills required for the position not the individual skills of the person holding the position. “Effort” means the physical or mental exertion necessary to the performance of a job. “Responsibility” concerns the degree of accountability required in performing a job.

Instruction No. 12

If you find Dr. Cianzaio proved her claim for wage discrimination in employment under Instruction No. 10, you must next consider if Iowa State University proved the difference in salaries between Dr. Cianzaio and one or more male professors who performed work requiring substantially similar skills, effort, and responsibility was because of a factor other than sex, specifically, that male professors' job performance exceeded or was superior to Dr. Cianzaio's job performance.

Instruction No. 13

If you find Dr. Cianzaio proved her claim of wage discrimination in employment as described in instruction No. 10, and that Iowa State University failed to prove the pay differential was based upon a factor other than sex, as described Instruction No. 12, then you must decide whether the conduct of the Iowa State University was “willful.” You must find Iowa State University’s conduct was willful Dr. Cianzaio proved that the Iowa State University either knew it was violating the Iowa Civil Rights Act or acted with reckless disregard of its obligations under the Iowa Civil Right Act.

Instruction No. 14

If you find Silvia Ciano proved her claim of wage discrimination in employment as described in instruction No. 10, and that Iowa State University failed to prove the pay differential was based upon a factor other than sex, as described in Instruction No. 12, you must determine whether Dr. Ciano sustained damages. In determining damages, you may consider the difference between Dr. Ciano's salary and the salaries of one or more male professors who performed work requiring substantially equal skill, effort, and responsibility. You may consider the difference in salary between Dr. Ciano and one or more male professors from July 1, 2009, through December 31, 2020, the date of Dr. Ciano's retirement.

Instruction No. 15

In arriving at an item of damage, you cannot arrive at a figure by taking down the estimate of each juror as to an item of damage and agreeing in advance that the average of those estimates shall be your item of damage or ~~percentage of fault.~~

Instruction No. 16

During the trial, you have been allowed to take notes. You may take these with you to the jury room to use in your deliberations. Remember, these are notes and not evidence. Generally, they reflect the recollection or impressions of the evidence as viewed by the person taking them and may be inaccurate or incomplete.

Upon reaching a verdict, leave the notes in the jury room and they will be destroyed.

Instruction No. 17

Upon retiring you shall select a foreman or forewoman. It will be his or her duty to see discussion is carried on in an orderly fashion, the issues are fully and freely discussed, and each juror is given an opportunity to express his or her views.

Your attitude at the beginning of your deliberations is important. It is not a good idea for you to take a position before thoroughly discussing the case with the other jurors. If you do this, individual pride may become involved, and you may later hesitate to change an announced position even if shown it may be incorrect. Remember you are not partisans or advocates but are judges - judges of the facts. Your sole interest is to find the truth and do justice.

Instruction No. 18

Occasionally, after a jury retires to the jury room, the members have questions. I have prepared the instructions after carefully considering this case with the parties and lawyers. I have tried to use language which is generally understandable. Usually, questions about instructions can be answered by carefully re-reading them. If, however, any of you feel it necessary to ask a question, you must do so in writing and deliver the question to the court attendant. I cannot communicate with you without first discussing your question and potential answer with the parties and lawyers. This process naturally takes time and deliberation before I can reply. The foreperson shall read my response to the jury. Keep the written question and response and return it to the court with the verdict.

The court attendant who has been working with me on this case is in the same position as I am. She has taken an oath not to communicate with you except to ask if you have agreed upon a verdict. Please do not put her on the spot by asking her any questions. You should direct your questions to the court and not to the court attendant.

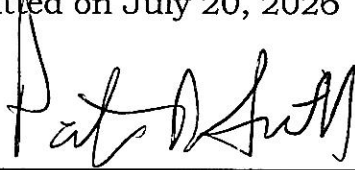
Instruction No. 19

I am giving you one (1) verdict form. During the first six hours of deliberations, excluding meals and recesses outside your jury room, your decision must be unanimous. If you all agree, the verdict must be signed by your foreman or forewoman.

After deliberating for six hours from 9:15 o'clock P.m. excluding meals or recesses outside your jury room, then it is necessary that only seven of you agree upon the answers to the questions. In that case, the verdict must be signed by all seven jurors who agree.

When you have agreed upon the verdict and appropriately signed it, tell the Court Attendant.

Submitted on July 20, 2026



Patrick D. Smith, Judge
Fifth Judicial District of Iowa