

A. POLICY

Zane State College is committed to maintaining a workplace and an academic environment free of discrimination and harassment. Therefore, the College shall not tolerate discriminatory or harassing behavior by or against its employees, candidates for employment, vendors, customers, students or other persons participating in a College program or activity.

Employees and students are expected to assist in the College's efforts to prevent discrimination or harassment from occurring. Administrators, supervisors and employees who have been designated to act on behalf of the College are specifically responsible for identifying and taking proper action to end such behavior.

While the College does not tolerate any form of discrimination or harassment, the Non-Discrimination/Anti-Harassment Policy and related procedures are intended to cover discrimination and harassment based on protected class. Protected classes for purposes of this policy are sex, race, color, religion, national origin, ancestry, age, disability, genetic information (GINA), military status, sexual orientation, gender identity and expression, status as a parent during pregnancy and immediately after the birth of a child, status as a parent of a young child, or status as a foster parent as those terms are defined in applicable Ohio Law, federal law and an effective Executive Order.

Anyone who is subjected to conduct that creates an intimidating or hostile environment, regardless if the conduct is based on a protected class, shall report the conduct to a person outlined in Section (E) of this policy. If Human Resources determines that the conduct alleged to be creating an intimidating or hostile environment is not based on a protected class, the report may be referred for remediation according to the relevant policy.

In furtherance of these expectations, employees must participate in required training.

B. POLICY GUIDELINES

EEO/TITLE IX DEFINITIONS OF DISCRIMINATION/HARASSMENT

As used in this policy, the following terms are defined and will be adhered to as follows:

Discrimination - when a person, or a group of people are treated less favorably than another person or group of people on the basis of a protected class.

Discrimination may occur in several forms, such as:

- (1) ***Disparate Treatment*** - when an individual is treated differently from a person who is similarly situated because of membership in a protected class.
- (2) ***Disparate Impact*** - when a college policy, practice or decision is based on neutral factors that have an adverse impact on a protected class.

- (3) **Harassment** - physical, non-verbal or verbal conduct that has the purpose or effect of creating an intimidating, hostile or offensive work or academic environment. The harassment must be based on a protected class and interfere with an employee's terms and conditions of employment or a student's academic achievement.

Especially in the interest of free speech, harassment is defined as "unwelcome conduct that is so severe, pervasive, and objectively offensive that it effectively denies an individual equal access to the individual's education program or activity."

- (4) **Hostile Environment** - occurs when the conduct at issue is so severe or pervasive that it creates an intimidating, abusive or offensive environment regarding employment, academic decisions for a person in a protected class. A single instance of discrimination may be sufficient to create a hostile work environment.

DISCRIMINATION/HARASSMENT INDICATORS AND EXAMPLES

- (1) Discrimination or harassment may occur without direct employment, academic or economic injury to the victim.
- (2) The harasser's conduct must be unlawful, unwelcome, pervasive or severe and based on a protected class.
- (3) The victim does not have to be the person harassed but could be a third party or anyone aware of, or affected by the offensive conduct.
- (4) Examples of discrimination/harassment include, but are not limited to the following:
 - (a) Conduct that explicitly or implicitly affects an individual's or group's employment or academic achievement; unreasonably interferes with an individual's work performance or learning ability; and/or creates an intimidating, hostile or offensive work or academic environment when that person belongs to a protected class;
 - (b) Verbal behaviors or comments, slurs, jokes, recordings, videos, music and personal references or use of negative terms used to identify someone in a protected class;
 - (c) Non-verbal, offensive, graphic communication (i.e. obscene hand or finger gestures), bullying, demeaning, insulting, intimidating, or suggestive written material, email, posters, graffiti, cartoons, other electronically transmitted messages or use of social media which are directed at someone because of a protected class;
 - (d) Any other conduct that has the effect of creating an intimidating, hostile, offensive work environment, or unreasonably interferes with a person's work, academic or athletic environment based on a protected class.

CONSEQUENCES OF DISCRIMINATION/HARASSMENT

- (1) **Employees** - any employee found to be in violation of this policy will be subject to disciplinary action, up to and including termination of employment.
- (2) **Students** - any student found to be in violation of this policy will be referred to the student conduct office for resolution in accordance with the Student Code of Conduct.

REPORTING RESPONSIBILITIES

- (1) Anyone who believes that an administrator, supervisor, employee, student, or non-employee's behavior constitutes discrimination or harassment has a responsibility to report the behavior/action as soon as it is known, but no later than 180 days of the occurrence, so that the College may administer this policy.
- (2) In cases of alleged discrimination/harassment in employment or if the victim or alleged perpetrator is an employee, the complaint may be made to any of the following:
 - (a) the Equal Employment Opportunity (EEO) Title IX Coordinator;
 - (b) a Deputy Title IX Coordinator/Compliance Officer;
 - (c) a supervisor, director, dean, chairperson, or other administrator;
 - (d) an employee of Human Resources; or
 - (e) an employee of the Zane State College Campus Security Department.
- (3) In cases of alleged discrimination/harassment when the victim and/or alleged perpetrator is a student, a potential student, or someone participating in a college event, the complaint may be made to any of the following:
 - (a) the Equal Employment Opportunity (EEO) Title IX Coordinator;
 - (b) A Deputy Title IX Coordinator/Compliance Officer;
 - (c) a dean, chairperson, or other academic administrator;
 - (d) the College's official in charge of the event; OR
 - (e) an employee of the Zane State College Campus Security department.
- (4) Any person designated to receive complaints under this policy who has direct or constructive knowledge of alleged discriminatory or harassing behavior must immediately report the behavior to the Title IX Coordinator or a Deputy Title IX Coordinator/Compliance Officer. Failure to do so shall result in disciplinary action, up to and including termination of employment.

ACADEMIC FREEDOM/FIRST AMENDMENT GUIDELINES

- (1) The College is committed to providing a safe, anti-harassing, and nondiscriminatory environment that protects the civil rights of individuals, and the college recognizes the constitutional protection of academic freedom in the classroom.
- (2) This policy is not intended to restrict serious discussion of controversial issues in a training or academic situation. In order to prevent claims that course content is discriminatory, harassing or offensive, it is recommended that participants in such discussions are provided with a disclosure that the content may be controversial.

CONFIDENTIALITY

To the extent possible, all information received in connection with the reporting, investigation, and resolution of allegations will be treated as confidential, except to the extent it is necessary to disclose information in order to investigate, prevent or address the effects of the discrimination/harassment, resolve the complaint or when compelled to do so by law. All individuals involved in the process should observe the same standard of discretion and respect for the reputation of everyone involved in the process.

RETALIATION

College policy and federal, state and local law strictly prohibits retaliation in any form against any employee, student, vendor, customer, or other person participating in a College program or activity who complains or reports an allegation, or who participates in an investigation of discrimination or harassment. Retaliation is a serious violation that can subject the offender to sanctions independent of the merits of the allegation. Allegations of retaliation should promptly be directed to the Title IX Coordinator.

REPORTING

Complaints made in good faith will not be held against an employee or student in any way.

- (1) Any employee who knowingly or maliciously makes a false or frivolous allegation of discrimination or harassment will be subject to disciplinary action, up to and including termination of employment.
- (2) Any student who knowingly or maliciously makes a false or frivolous allegation of discrimination or harassment will be subject to the process outlined by the Student Code of Conduct.

C. POLICY HISTORY

- For additional information, please refer to prior versions of the College Handbook
- Policy revisions approved by Board of Trustees May 2017
- Policy revisions approved by President's Cabinet and Board of Trustees January 2020
- Policy revisions approved by President's Cabinet and Board of Trustees May 2021

D. INITIATING DIVISION

Office of Human Resources

E. POLICY REVIEWERS

Office of Human Resources; Title IX Compliance Committee

F. POLICY REFERENCES

- a. *Title IX Complaint Form*
- b. *ORC 3357-12-3-16*
- c. *300.16*

G. POLICY APPROVAL

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| <input type="checkbox"/> | To be approved by President's Cabinet only |
| <input checked="" type="checkbox"/> | To be approved by President's Cabinet and the Board of Trustees |
| <input checked="" type="checkbox"/> | To be sent to the State of Ohio's Electronic Rules Filing (ERF) system |