3358:11-4-02 Harassment policy.

(A) Purpose. Owens Community College does not and will not tolerate harassment of its employees or students. The college recognizes all employees should be able to work in security and dignity and should not have to endure insulting, degrading or objectionable treatment. Any individual who files a complaint or participates in investigations shall be protected from any form of retaliation arising out of the filing of the complaint or participation in the investigation.

The legal basis for this policy is that most forms of harassment are violations of both federal and state laws. These laws include Title VII of the 1964 Civil Rights Act, as amended in 1972, Title IX of the Education Amendment of 1972, State Fair Employment Laws, Executive Order 11246, and the Civil Rights Act of 1991.

(B) Definitions.

(1) The term “harassment” includes, but is not limited to slurs, jokes and other verbal, graphic or physical conduct; including e-mail and internet usage in prohibited sections relating to an individual’s race, color, sex, religion, national origin, age, or disability; including same sex harassment. Harassment based on gender, race, age, color, national origin, religion, sexual orientation, marital status or disabilities are all forms of discrimination. Examples of these forms of discrimination occur when:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of an employment/academic decision or action.

(b) Submission to or rejection of such conduct by an individual is used as the basis for employment/academic decisions affecting such individuals.

(c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working/teaching/learning environment.

(2) Sexual harassment particularly is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature such as:

(a) Deliberate, unsolicited sexually oriented comments or gestures.
(b) Display of offensive sexually oriented graphic materials.

(c) Physical contact such as patting, pinching or frequent brushing against another's body.

(d) Demands for sexual favors with implied promises of preferential treatment or threats.

(C) Supervisor's responsibilities. Supervisors are responsible for preventing incidents of harassment by affirmatively discussing the subject, expressing strong disapproval, and developing methods for sensitizing employees. Supervisors who become aware of incidents of possible harassment are required to investigate and ensure that the facts are brought to the attention of college's affirmative action officer. When the allegations of a complaint are verified or deemed to have merit, supervisors are responsible for taking prompt and appropriate corrective and/or disciplinary action.

(D) Employees'/Students’ responsibilities. All employees/students are responsible for reporting any incidents of possible harassment. A complaint will be kept as confidential as possible and an employee will not be penalized in any way for reporting such conduct. Each employee has the duty to answer all questions honestly and completely during any harassment investigation. An individual(s) alleged to have committed harassment has the right of being presented with allegations and has a responsibility and a right to respond to the allegations. Both the person(s) claiming harassment and the accused have the right to a prompt and complete investigation of the claim, as well as learning the result of the investigation.

(E) Confidentiality. All complaints will be investigated in a timely and responsible manner. Confidentiality of all information obtained during an investigation will be protected as much as possible, to the extent the investigation is not compromised. All witnesses and those interviewed during the investigation are expected to keep the matter confidential.

(F) Protection from retaliation. An employee or student who files a complaint or participates in investigations shall be protected from any form of retaliation arising out of the filing of the complaint or participation in the investigation. Anyone who impedes an investigation, covers up the truth or retaliates against a complainant shall be subject to disciplinary action up to and including dismissal.
(G) Disciplinary action. Verified harassment by any employee or student will result in disciplinary action up to and including dismissal and may lead to personal, legal and financial liability.

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Daniel R. Hauenstein Certification

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