3358:11-4-17 Anti-discrimination and harassment policy.

(A) Purpose. Owens community college strongly opposes and will not tolerate harassment or discrimination on the basis of age, color, disability, national origin, race, religion, sex, sexual orientation, gender identity, military status, or veteran status. This prohibition extends to discrimination or harassment, based on the protected classes, including the creation of an intimidating, hostile or offensive working or learning environment. Sexual misconduct, sexual assault, dating violence, domestic violence and stalking are forms of sexual harassment prohibited by this rule.

The college recognizes all employees and students should be able to work and learn in safety and dignity and should not have to endure insulting, degrading or objectionable treatment. Any individual who files a complaint or participates in an investigation shall be protected from any form of retaliation arising out of the filing of the complaint or participation in the investigation.

Discrimination and harassment are illegal. This rule and associated procedures are not intended to impair or limit the right of anyone to seek a remedy available under state or federal law. This rule may in some respects exceed the requirements of applicable law. However, this rule will not be enforced so as to infringe upon rights of the first amendment of the United States Constitution, including academic freedom.

(B) Application. This rule and associated procedures are applicable to all aspects of college operations and programs. It applies to all college students and employees, including student-employees, administrators, faculty and staff (bargaining and non-bargaining unit members) as well as to visitors or guests on campus to the extent that there is an allegation of harassment or discrimination made by them against college students or employees. It also applies to all third-party vendors, contractors, subcontractors, and others who do business with the college. Such prohibition extends to off campus conduct or the online/virtual environment if the conduct is in connection with college operations or a college-sponsored program and poses an obvious and serious threat of harm to students or employees, or may have the effect of creating a hostile work and/or educational environment.

(C) Reporting. Any person who believes he or she has been a victim of discrimination or harassment is strongly encouraged to pursue relief by reporting the discriminatory or harassing behavior to the appropriate individual(s). Reports can be made directly to the department of human resources under the federal statutes of Titles VI, VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972 and Section 504 of the Vocational Rehabilitation Act of 1973.

(D) Any employee who has received a report or who has knowledge of discrimination or harassment must promptly inform the department of human resources.

(E) Action. Each report of discrimination or harassment will be promptly and impartially investigated. Interim measures to prevent continued discrimination/harassment during the complaint investigation will be considered and implemented as deemed appropriate. If the college determines by a preponderance of the evidence that a violation has occurred, the college will take action to provide appropriate relief to the grievant and steps will be taken to prevent future discrimination/harassment and remedy discriminatory effects. This may include disciplinary action against the accused as outlined in applicable student and employee conduct and disciplinary rules, procedures and guidelines as well as associated procedures implemented pursuant to this rule.

(F) Compliance. The department of human resources is the college's designated office for compliance with federal statutes including: Titles VI, VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Americans with Disabilities Act of 1990, Age Discrimination in Employment Act of 1967, Pregnancy Discrimination Act of 1978, Age Discrimination Act (students), Executive Order 11246, Sections 503 and 504 of the Vocational Rehabilitation Act of 1973, and Vietnam Era Veterans' Readjustment Act of 1974, and regulations of the office of federal contract compliance program.

(G) Implementation. The vice president, human resources and the vice president, enrollment management and student services will jointly implement procedures and forms, which are consistent with the provisions of this rule and applicable law.

(H) Campus accountability and modernization to protect university students act. Racial, religious and ethnic harassment and intimidation in any form, are prohibited, as prescribed in section 3320.05 of the Revised Code.

(1) Harassment. Defined in section 3345.0211 of the Revised Code, it means 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.

(2) Intimidation. Defined, as described in section 2927.12 of the Revised Code, it means a violation of ethnic intimidation. As described by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. 1092(f), it means to unlawfully place another person in a reasonable fear of bodily harm using threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack. This includes cyber-intimidation if the victim is threatened via electronic means.

(3) Antisemitism. Defined, by the international holocaust remembrance alliance and in compliance with Ohio governor executive order 2022-06D, it means a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.

(4) Islamophobia. Defined, as described by the united nations, it means a fear, prejudice and hatred of Muslims that leads to provocation, hostility and intolerance by means of threatening, harassment, abuse, incitement and intimidation of Muslims and non-Muslims. Intolerance and discrimination against Muslims encompass a discriminatory attitude and behavior toward an individual, group or property that are perceived to be Muslim or are associated with Muslim people or Islam.

(5) Anti-Christian. Defined, it means unfair treatment toward Christians and Christianity. It includes harassment and/or hostility directed at Christian beliefs, practices, symbols, and individuals.

(6) Communication. College communication may include educational information on the institution's rules against racial, religious, and ethnic harassment and intimidation.

(7) Law enforcement collaboration. The college will collaborate as applicable with local law enforcement and/or state highway patrol having jurisdiction to protect the safety and well-being of a student

group or registered student organization facing a potential risk or threat.

(8) Training for employees. The college shall provide and make training available to employees on how to respond to hate incidents or incidents of harassment such as that may occur during a class or event held at the institution at the time an incident may occur.

(9) Task force. The college will develop a task force or utilize an existing team to be proactive in providing a safe campus that is free from racial, religious, ethnic harassment or intimidation in any form.

(10) Annual report. The college will submit an annual report to the chancellor of the Ohio department of higher education of all harassment and intimidation reports submitted to the federal government consistent with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. 1092(f).

(11) Compliance. This rule shall be constructed to comply with all rights and protections set forth in the constitutions of the United States of America and the state of Ohio. Further, nothing in this rule shall be construed to diminish or infringe upon any right protected under the First Amendment to the United States Constitution, Article I; Sections 3 and 11 of the Ohio Constitution; or, noncommercial expressive activity as defined in section 3345.0212 of the Revised Code.

(I) Supplements. This rule supplements and supports Owens community college rule 3358:11-3-11 of the Administrative Code (student conduct), rule 3358:11-5-50 of the Administrative Code (zero tolerance/workplace violence), rule 3358:11-5-52 of the Administrative Code (standards of conduct and disciplinary process) and corresponding procedures.

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