

COLUMBUS STATE COMMUNITY COLLEGE
POLICY & PROCEDURES MANUAL

DISCRIMINATION/ HARASSMENT/RETALIATION

Effective May 25, 2023

Policy 3-43

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(A) PURPOSE AND EXPECTATIONS

Columbus State Community College is committed to supporting a respectful and productive learning, athletic and working environment free of discrimination, harassment and retaliation. The College prohibits discriminatory or harassing behavior based on a protected class by or against students, employees, persons participating in a College program or activity, vendors and College visitors.

While the College does not tolerate any form of discriminatory or harassing behavior, this policy applies only to 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, pregnancy, status as a parent of a young child, status as a nursing mother, status as a foster parent and gender identity and expression.

While the College does not tolerate any retaliatory behavior, this policy's prohibition of retaliation applies only to retaliation that is based on individual's participation in an investigation of discrimination and/or harassment and/or an individual's exercise of rights under the Americans with Disabilities Act and its Amendments (ADA/ADAAA) and/or under the Family and Medical Leave Act (FMLA) and/or the Pregnant Workers Fairness Act (PWFA).

Employees and students are expected to assist in the College's efforts to prevent discrimination, harassment and/or retaliation from occurring. Administrators, supervisors, faculty members and employees who have been designated to act on behalf of the College are responsible for reporting such behavior to the Office of Equity and Compliance. However, any person is encouraged to report potential violations of this policy, even if they were not the intended target of the potential violation.

In furtherance of this commitment, all employees must participate in required training.

If the determination is made that the alleged conduct is not based on a protected class or on the exercise of rights under the ADA and/or FMLA and/or PWFA, the information may be referred for follow-up and/or remediation according to relevant policy.

(B) DEFINITIONS

- (1) Discrimination - Any act or failure to act based in whole or in part on a person's or group's membership in a protected class, that when viewed objectively, adversely affects benefits, privileges, working conditions, educational or athletic conditions or negatively impacts a substantial College interest.

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Examples of discrimination include, but are not limited to:

- (a) Disparate Treatment - When an individual or group is treated differently from another similarly situated person or group because of membership in a protected class.
 - (b) Disparate Impact - When a College policy, procedure, practice or decision is neutral on its face but has an adverse impact on a protected class.
- (2) Harassment - Any unwelcome physical, non-verbal or verbal conduct based on a protected class which is sufficiently severe, persistent or pervasive so that it unreasonably interferes with, denies or limits a person's ability to participate in or benefit from the College's educational and/or athletic programs and/or activities and/or work activities and/or negatively impacts a substantial College interest. Harassment does not have to include an intent to harm. A single instance can constitute harassment.

Examples of harassment include, but are not limited to:

- (a) Comments, slurs, jokes, recordings, videos, music and personal references or use of negative terms to identify someone in a protected class;
- (b) Graphic communications (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.

Conduct which may constitute sexual harassment will be addressed under Columbus State Policy 3-44, Sexual Misconduct.

- (3) Hostile Environment - Any unwelcome and severe or pervasive conduct based on a protected class which creates an objectively intimidating, abusive or offensive work, learning or athletic environment even if the conduct does not lead to tangible consequences. A single instance may be sufficient to create a hostile environment.
- (4) Retaliation – See section (G).

(C) CONSEQUENCES OF DISCRIMINATION/HARASSMENT/RETALIATION

- (1) For Employees - Violations of this policy can result in disciplinary action, up to and including termination of employment.

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- (2) For Students - Sanctions for violating this policy range from formal warning to expulsion. Recommended violations of this policy will be referred to the Office of Student Conduct for resolution in accordance with the Student Code of Conduct.

(D) REPORTING RESPONSIBILITIES

- (1) Human Resources employees, supervisors, directors, deans, chairpersons, coaches, faculty members including adjuncts, persons with significant responsibility for students and College activities and Columbus State Police Department employees who have direct or constructive knowledge that a faculty or staff member, student, person participating in a College program or activity, vendor or College visitor's behavior may constitute a violation of this policy are responsible for promptly reporting the behavior to the Office of Equity and Compliance. Failure to follow this reporting requirement may result in disciplinary action, up to and including termination of employment.
- (2) An employee who knowingly or maliciously makes a false or frivolous allegation of discrimination, harassment and/or retaliation will be subject to the College's disciplinary policy and procedures.
- (3) A student who knowingly or maliciously makes a false or frivolous allegation of discrimination, harassment and/or retaliation will be subject to sanctions under the Student Code of Conduct.

(E) ACADEMIC FREEDOM/FIRST AMENDMENT GUIDELINES

- (1) The College is committed to supporting a respectful and productive learning, athletic and working environment that protects the civil rights of individuals while also recognizing the constitutional protection of academic freedom in the classroom.
- (2) This policy is not intended to restrict serious discussion of controversial issues in training and academic situations. In order to prevent claims that course or training content is discriminatory, harassing or offensive, it is strongly encouraged that participants in such discussions are provided with a disclosure that the content may be controversial.

(F) CONFIDENTIALITY

To the extent possible, College officials will limit the sharing of information related to the reporting, investigation and resolution of allegations of discrimination, harassment and/or retaliation except to the extent it is necessary to disclose information in order to investigate,

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prevent or address the effects of the conduct, resolve the complaint or when compelled to do so by law. All individuals involved in the process are expected to observe the same standard of discretion and respect for everyone involved in the process.

(G) RETALIATION

Retaliation in any form against an individual who brings forth a good faith allegation of discrimination and/or harassment, participates in an investigation of discrimination and/or harassment or supports someone involved in a report of discrimination and/or harassment is strictly prohibited by College policy and state and federal law. Examples of retaliation include, but are not limited to, intimidation; threats or actual violence against the person, their family or property; adverse educational or employment consequences; ridicule; bullying; and ostracism or attempting any such actions. Retaliation also includes encouraging someone else to take such actions against an individual for reporting discrimination and/or harassment, participating in a discrimination and/or harassment investigation or supporting someone involved in a report of discrimination and/or harassment.

Retaliation in any form against an individual who exercises their rights under the ADA/ADAAA and/or under FMLA and/or PWFA is strictly prohibited. Examples of retaliation include, but are not limited to, intimidation; threats or actual violence against the person, their family or property; adverse educational or employment consequences; ridicule; bullying; and ostracism or attempting any such actions. Retaliation also includes encouraging someone else to take such actions against an individual who exercises their rights under ADA/ADAAA and/or FMLA and/or PWFA.

Retaliation is a serious violation that can subject the offender to sanctions, and allegations of retaliation should be promptly reported to the Office of Equity and Compliance.

(H) The protocol for evaluating and investigating concerns of discrimination/harassment/retaliation is found here: [3-43 Protocol](#).

(I) The President may establish procedures to administer this policy.

Last Effective Dates: September 27, 2018; September 25, 2014; November 15, 2012

**July 8, 2019: Administrative changes made to reflect updates in legislation*

**May 25, 2023: Administrative changes made to reflect Executive Order updates and new federal legislation*