

## HARRIS-STOWE STATE UNIVERSITY EQUAL OPPORTUNITY POLICY

### **Commitment**

The University is committed to providing equal opportunity in all areas of recruiting, hiring, retention, promotion and contracted service. The University further commits itself to the policy that there shall be no unlawful discrimination against any person because of race, color, religion, disability, age, gender, national origin, sexual orientation, marital status or veteran's status.

The University's equal opportunity policy extends to prohibitions against harassment of students or employees because of the individual's race, color, religion, disability, age, gender, national origin, sexual orientation, marital status or veteran's status. This prohibition against harassment includes, but is not limited to, disparaging comments, written material, physical assaults, verbal threats, and offensive pranks.

Employees who believe that they have been harassed in violation of this policy should report the alleged harassment to the Human Resources Director or to their immediate supervisor unless this person is the alleged harasser. Students who believe they have been harassed in violation of this policy should report the alleged harassment to the Vice President for Academic Affairs or his or her designee. All complaints of violation of this policy will be promptly investigated and appropriate action will be taken.

### **Civil Rights, Title IX, Section 504**

The University assures that it will comply with:

1. Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d et seq., which prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance.
2. Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. 794, which prohibits discrimination on the basis of disability in programs and activities receiving federal financial assistance.
3. Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. 1681 et seq. (the Patsy T. Mink Equal Opportunity in Education Act), which prohibits discrimination on the basis of sex in educational programs and activities receiving federal financial assistance. The provisions of Title IX apply to students with regard to educational opportunities and freedom from harassment, employees with regard to employment opportunities and freedom from harassment and to individuals with whom the University does business.
4. The Age Discrimination Act of 1975, as amended 42 U.S.C. 6101 et seq., which prohibits discrimination on the basis of age in programs or activities.
5. All regulations, guidelines and standards lawfully adopted under the above statutes by the United States Department of Education.

The University shall appoint an administrator(s) to assure compliance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972 and the Age Discrimination Act of 1975. The University may designate one employee to serve as both the Title IX and Section 504 Coordinator. In that case, that individual must assume the responsibilities of both coordinators.

It is the policy of the University to process all grievances in a fair and expeditious manner, with the intent of resolving them in a mutually agreeable manner. This manual provides mechanisms for the resolution of grievances/complaints by, employees, patrons and/or students relating to discrimination Under Section 504 and Title IX.

### **Equal Employment Opportunity/Affirmative Action Commitment**

It is the official and declared policy of Harris-Stowe State University to provide equal employment opportunity to all employees and applicants for employment in accordance with all applicable laws, directives and regulations of federal, state and local governmental bodies and agencies. Pursuant to this policy, the University is committed to the following policies:

1. The University will recruit, hire, train and promote qualified persons in all jobs without regard to race, color, religion, sex, sexual orientation, perceived sexual orientation, national origin, age, disability, marital or veteran status.
2. The University will base its employment decisions on the principle of equal opportunity.
3. The University will affirm that promotion decisions are to be made following principles of equal opportunity and will impose only valid requirements for promotional opportunities.
4. The University affirms that all personnel actions such as compensation benefits, transfers, layoffs and returns from layoffs, recreational programs and separations will be administered without regard to race, color, religion, sex, sexual orientation, perceived sexual orientation, national origin, age, disability, marital or veteran status.
5. The University will, as part of its evaluation of the performance of all academic, administrative and supervisory personnel, consider their involvement in carrying out the University's equal employment objectives.
6. The University will maintain an educational and employment environment that is free from harassment based upon race, color, religion, sex, sexual orientation, perceived sexual orientation, national origin, age, disability, marital or veteran status.

### **DISABILITY POLICY**

#### **Americans with Disabilities Act**

Harris-Stowe State University does not discriminate in the admission or treatment of students or employees on the basis of disability. The University is committed to compliance with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act.

While ensuring the academic integrity of its programs, the University is dedicated to providing the reasonable accommodations needed to ensure equal access to educational and employment opportunities for individuals with verified disabilities.

The Academic Support Center, supplemented by TRIO, including Student Support Services, is responsible for the coordination of services to students with disabilities as defined by Section 504 of the Rehabilitation Act.

#### **Identification**

The Academic Resource Center (ARC) is committed to a reasonable approach in the identification of disabled students. The Academic Support Center will contact all students who voluntarily identify themselves as having a disability during the University admission or orientation process. Faculty members who observe student learning difficulties that are indicative of a physical/learning disability may refer that student for assistance to the Academic Support Center.

Students who suspect that they have a disability may contact the Academic Resource Center for information regarding disabilities and referrals for a psycho-educational assessment when needed. In all cases, students who need an assessment to determine their learning disability are responsible for providing the required documentation and the cost of the assessment. Information regarding a disability will be kept confidential unless the student signs a Release Information Form, which requires a notarized signature.

### **Academic Requirements**

Academic requirements that are defined by the University as essential to courses, programs of student or any related licensing or certification requirement are not regarded as discriminatory.

### **Eligibility**

Qualified students with a disability may be required to provide documentation of their disability to receive any necessary academic notification and/or reasonable accommodations.

Learning disabled students are responsible for providing the University with documentation regarding their disability.

Based upon the specific needs of the student, reasonable accommodations and academic modifications are determined by the faculty member involved and Academic Support Center personnel.

### **Request for Academic Modification or Reasonable Accommodations**

1. The student is responsible for contacting the Academic Support Center to review his/her concerns and develop a plan for accommodation or modification.
2. If a student feels that the accommodations or modifications which have been determined to be appropriate do not meet his/her standards, he/she has the right to petition for an appeal. The student will contact the Academic Support Center to petition for an appeal.

All actions processed under this provision will require authorization from the Office of the Vice President for Academic Affairs.

## **SEXUAL HARASSMENT POLICY**

### **Nondiscrimination and Freedom from Harassment on the Basis of Sex**

Title IX of the Education Amendments of 1972 provides as follows: No person in the United States shall on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance.

It is the policy of the Board of Regents to maintain a learning and working environment that is free from discrimination or harassment on the basis of sex. Harris-Stowe State University does not and will not discriminate on the basis of sex in the educational programs, activities and vocational opportunities offered by the University. The provisions of Title IX extend not only to students with regard to educational opportunities and freedom from harassment, but also to employees with regard to employment opportunities and freedom from harassment and to individuals with whom the Board does business.

The Board will designate an individual to act as the Title IX compliance coordinator, and ensure that the coordinator's name, business address and telephone number, as well as the statements of nondiscrimination and harassment by the University are published to patrons, employees and students on an annual basis.

It will be the policy of the University to continually evaluate its practices and procedures to ensure fair and equitable educational and employment opportunities and freedom from harassment without regard to sex for all of its students and employees.

It is a Board policy that individuals be provided with an opportunity to present a discrimination grievance which should aid in the elimination of discriminatory acts. No person shall suffer reprisals as a result of having initiated or presented a grievance.

### **Definition of Sexual Harassment in Employment**

Sexual harassment in employment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors and verbal or physical conduct of a sexual nature when;

1. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment.
2. Submission to or rejection of such conduct by an individual is the basis for employment decisions affecting that individual.
3. Such conduct creates an intimidating, hostile or offensive work environment.
4. Qualified employees are denied employment opportunities or benefits because the opportunities or benefits are given to another employee who submitted to an employer's sexual advances or requests for sexual favors.

### **Definition of Sexual Harassment Under Title IX (applies to students and employees)**

Title IX forbids discrimination on the basis of sex in any educational program or activity that receives federal funds. This includes a prohibition on sexual harassment. The Office for Civil Rights of the U.S. Department of Education defines sexual harassment under Title IX as follows: "Verbal or physical conduct of a sexual nature, imposed on the basis of sex, by an employee or agent of a recipient that denies, limits, provides different, or conditions the provision of aid, benefits, services or treatment protected under Title IX.

Sexual harassment under Title IX includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's academic status or progress, or employment.
2. Submission to or rejection of such conduct by an individual is the basis for educational or employment decisions affecting that individual.
3. Such conduct creates an intimidating, hostile, or offensive educational or work environment.
4. Qualified students or employees are denied educational or employment opportunities or benefits because the opportunities or benefits are given to another student or employee who submitted to sexual advances or requests for sexual favors.

Sexual harassment of students by employees who otherwise come within this Policy is **absolutely prohibited** regardless of whether the conduct is "welcome".

### **Examples of Sexual Harassment: Unwelcome Sexual Advances**

Whether the advance is "unwelcome" is determined on a case-by-case basis. Unwelcome advances may include, but are not limited to, the following:

1. Any invitation (even subtle) intended to result in a sexual liaison.
2. Invitations to dinner or social events, when refusal results in the loss of a promotion or in other adverse employment action.
3. Propositioning an employee.

### **Examples of Sexual Harassment: Unwelcome Verbal Conduct of a Sexual Nature**

This may include, but is not limited to, the following:

1. Sexually provocative or explicit speech.
2. Publicly expressed sexual fantasies.
3. Jokes of a sexual or crude nature.
4. Derogatory comments directed to males or females as a class (language directed toward a specific employee is more likely to be viewed as sexual harassment).
5. Demeaning comments.
6. Threats for not agreeing to submit to sexual advances.
7. Writing sexually explicit memos.

**Examples of Sexual Harassment: Unwelcome Physical Conduct of a Sexual Nature**

This may include, but is not limited to, the following:

1. Grabbing or twisting an individual's arm.
2. Any unwarranted touching.
3. Sexually offensive pranks.
4. Drawing sexually explicit cartoons, other drawings, or graffiti.
5. Gestures indicating sexual behavior.
6. Kissing.

In addition to the foregoing examples, students may experience harassment that is unique to their situation, some of which may not be immediately recognized as sexual harassment, but which may support a potential claim against the University and/or its employees if not remedied. Such harassment may include, but is not limited to, the following:

1. Unwanted sexual behavior, such as touching, oral comments, sexual name calling, spreading sexual rumors, jokes, pictures, leers, overly personal conversation, cornering or blocking a student's movement, pulling at clothes, intimate behavior between students on school premises.
2. A student in a predominately single-gender class who is subjected to sexual remarks by a teacher or students who regard the comments as joking and part of the usual class environment.
3. Interfering with a student's achievement in a predominately or historically single-gender class by hiding tools or equipment, questioning the student's ability to handle the work, or suggesting that the student is "abnormal" for enrolling in the class.
4. Purposely limiting or denying students access to educational resources because of their gender.
5. Teasing a student about the student's enrollment in a predominately or historically single gender class.

**Notification and Enforcement of Sexual Harassment Policy**

The University's Director of Human Resources will be available to answer all questions regarding this policy or its implementation. In addition, a copy of the University's sexual harassment policy shall:

1. Be displayed in a prominent location at each work site.
2. Be provided to each current employee and to each new employee prior to commencement of his/her duties.
3. Appear in the University website or work publications that set forth the University's comprehensive rules, regulations, procedures and standards of conduct for employees.

Each supervisor and administrator is responsible for maintaining an educational and work environment free from sexual harassment. In accordance with that responsibility, each site manager, or his/her designee, shall take appropriate actions to enforce the University's sexual harassment policy, including but not limited to the following:

1. The Director of Human Resources shall provide a copy of the policy to all new employees of the University prior to the commencement of the employee's duties.
2. The supervisor/administrator shall further instruct employees regarding the procedures for reporting sexual harassment in the educational setting on an as-needed basis.
3. The supervisor/administrator shall take prompt action to investigate all complaints of sexual harassment.
4. The University administration shall take appropriate disciplinary action, as necessary.

### **INVESTIGATION OF DISCRIMINATION AND HARASSMENT COMPLAINTS**

Discrimination and harassment of all types (race, religion, national origin, sex, sexual orientation, disability status or age) is strictly prohibited at Harris-Stowe State University. All discrimination/harassment complaints will be investigated in the following manner:

1. If an employee/student believes that he/she is being harassed or discriminated against, the employee/student is encouraged to bring the concern to the attention of the employee/student's supervisor/Dean and the Director of Human Resources.
2. If the employee/student feels that such contact with the supervisor would be inappropriate, if the situation is not satisfactorily resolved by the supervisor, or if the employee/student simply feels more comfortable speaking with someone other than the supervisor, the employee/student should contact the Director of Human Resources directly.
3. If the employee/student for any reason would prefer to report the employee/student's concern to another supervisor/administrator within the University, the employee/student may do so. However, it is essential that the report be made to someone with the authority and obligation to act upon the concern.
4. Any supervisor/administrator who receives a report, orally or in writing, from any employee/student regarding discrimination/harassment of that employee/student by another employee/student, non-employee doing business with the University or student must notify the Director of Human Resources within twenty-four (24) hours whenever possible, or within a reasonable time thereafter.
5. Oral complaints of discrimination/harassment will be put in writing by the complainant or by the person who receives the complaint, and should be signed by the complainant. However, the complainant's refusal to sign a complaint does not relieve the University of the obligation to investigate the complaint.
6. An employee/student who believes that he/she has been subjected to discrimination/harassment shall not be required to confront the alleged harasser prior to making the report.
7. Following receipt of the report, University personnel will promptly and fully investigate the complaint and will notify the employee/student and the alleged harasser of the results of the investigation. Investigations will be conducted with full recognition of the rights of all parties involved.
8. Upon receipt of the report, the Director of Human Resources will appoint an investigator to investigate the complaint. The investigation shall commence within forty-eight (48) hours after such appointment.

9. The University will maintain the confidentiality of the complaint and the details of the investigation to the fullest extent possible.
10. The investigator will put his/her findings in writing and will forward a copy to the Director of Human Resources within one (1) week after concluding the investigation, or within a reasonable extension of time thereafter, for good cause shown.
11. If the investigation substantiates the complaint, the University will take appropriate disciplinary action against the offender(s), commensurate to the severity of the harassment (up to and including termination of employment). If the offender is a student, disciplinary action will be taken. If the offender is not an employee/student of the University, the University will take appropriate action within the scope of its authority to eliminate and redress the discrimination/harassment.
12. If the investigation is indeterminate, the matter will be designated as unresolved, and the investigation file will be maintained by the Director of Human Resources in a file separate and apart from any student or personnel file.
13. There will be no retaliation against or adverse treatment of any employee/student who uses this procedure to resolve a concern when such complaint has been brought in the good faith belief that the complainant has been subjected to harassment.
14. The responsible administrator shall follow up regularly with the complaining employee/student to ensure that the harassment has stopped and that no retaliation has occurred.

#### **SANCTIONS FOR VIOLATIONS OF THE DISCRIMINATION/HARASSMENT POLICY**

After investigation, proven violations of the University's Discrimination/Harassment Policy will be acted upon in the following manner:

1. Any employee or student who engages in the discrimination/harassment of anyone while on school property, or while in the employ of the University off school property will be subject to disciplinary action, up to and including dismissal or expulsion.
2. Any employee who permits or engages in the discrimination/harassment of a student will be subject to disciplinary action, up to and including dismissal.
3. Any employee who receives a complaint of discrimination/harassment from a student and who does not act promptly to forward that complaint to the Director of Human Resources and/or the appropriate administrators/supervisors shall be disciplined appropriately.
4. Any employee who retaliates, or engages in conduct that could be interpreted as retaliation, against any person who has made a complaint of discrimination/harassment or who has participated in the investigation of a complaint of discrimination/harassment will be subject to discipline, up to and including dismissal.
5. Any non-employee doing business with the University who engages in discrimination/harassment, or who retaliates against any person who has made a complaint of discrimination/harassment or who has participated in the investigation of a complaint of discrimination/harassment, will be subject to discipline to the extent that the University has control over the nonemployee and his/her employer.
6. Any employee or student who brings a false charge of discrimination/harassment shall receive appropriate discipline. The term "false charge" means a charge brought in bad faith, that is, without the good faith belief that one has been subjected to discrimination/harassment. The term "false charge" does not include a charge that was brought in good faith, but which the University was unable to substantiate.