

**Equal Opportunity, Harassment and Non-Discrimination**

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Office of the President

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## **Equal Opportunity, Harassment and Non-Discrimination**

The College of Wooster affirms its commitment to promote the goals of fairness and equity in all aspects of the educational enterprise. This commitment extends to all rights, privileges, programs and activities, including housing, employment, admissions, financial assistance, and educational and athletic programs at the College. The policies herein are applicable regardless of the status of the parties involved, who may be members or non-members of the campus community, students, student organizations, faculty, administrators and/or staff. The College of Wooster will act on incidents occurring on- campus or off-campus when the off-campus conduct could have an on-campus impact or impact on the educational mission of The College of Wooster.

The College has a full-time Title IX Coordinator who also serves as Director of Sexual Violence Prevention and Response; the Secretary of the College serves as the ADA/504 Coordinator and oversees implementation of the College's disability compliance and the College's policy on equal opportunity, harassment, and nondiscrimination. Reports of discrimination, harassment, and/or retaliation that are gender-based should be made promptly to the Title IX Coordinator or a Deputy Title IX Coordinator, but there is no time limitation on the filing of complaints, as long as the accused individual remains subject to the College's jurisdiction. Reporting is addressed more specifically on pages 12-13. All non-gendered complaints of harassment or discrimination should be reported to the Secretary of the College.

This policy applies to incidents involving one or more members of The College of Wooster community that take place on the campus or at college-sponsored events and may also apply to off-campus behaviors and to actions online when the College determines that the off-campus conduct affects a substantial College of Wooster interest. A substantial College of Wooster interest is defined to include:

- a. Any action that constitutes a criminal offense as defined by federal or Ohio law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
- b. Any situation where it appears that the accused individual may present a danger or threat to the health or safety of self or others;
- c. Any situation that significantly impinges upon the rights, property, or achievements of self or others or significantly breaches the peace and/or causes social disorder;
- d. Any online postings or other electronic communication by students, faculty, or staff, including cyber-bullying, cyber-stalking, cyber-harassment, etc. whether or not outside of The College of Wooster's control (e.g. not on a college network, website or between College of Wooster email accounts) when those online behaviors can be shown to cause a substantial on-campus disruption;
- e. Any other situation that is detrimental to the educational interests of The College of Wooster; and/or
- f. Off-campus discriminatory or harassing speech by employees when such speech is made in an employee's official or work-related capacity or under any of the circumstances listed above.

The College of Wooster reserves the right to impose any level of sanction for violation of any of these policies herein, ranging from reprimand up to and including suspension or expulsion for students and termination for employees.

Inquiries about this policy may be made internally to:

Angela Johnston  
Chief of Staff and Secretary of the College Office of  
the President  
223 Galpin Hall  
330-263-2141  
[ajohnston@wooster.edu](mailto:ajohnston@wooster.edu)

Inquiries may be made externally to:

Ohio Civil Rights Commission 161  
S. High St., #205  
Akron, OH 44308  
Telephone: (330) 643-3100 Web:  
<http://www.crc.ohio.gov/>

Equal Employment Opportunity Commission (EEOC) Contact:  
<http://www.eeoc.gov/contact/>

Office for Civil Rights (OCR)  
U.S. Department of Education 400  
Maryland Avenue, SW Washington, DC  
20202-1100  
Customer Service Hotline: (800) 421-3481  
Facsimile: (202) 453-6012  
TDD#: (877) 521-2172  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)  
Web: <http://www.ed.gov/ocr>

## **1. The College of Wooster Policy on Non-Discrimination**

The College of Wooster adheres to all federal and state civil rights laws banning discrimination in private institutions of higher education. The College of Wooster will not discriminate against any employee, applicant for employment, student or applicant for admission on the basis of race, color, sex/gender, gender identity, gender expression, pregnancy, political affiliation, religion, creed, ethnicity, national origin (including ancestry), citizenship status, physical or mental disability of a qualified individual, age, marital status, family responsibilities, sexual orientation, veteran or military status (including special disabled veteran, Vietnam-era veteran, or recently separated veteran), predisposing genetic characteristics, domestic violence victim status, or any other protected category under applicable local, state, or federal law, including protections for those opposing discrimination or participating in any complaint process on campus or within the Equal Employment Opportunity Commission or other human rights agencies.

The College of Wooster will not request or require the disclosure of genetic information except as may be permitted under the Genetic Information Nondisclosure Act. This non-discrimination policy applies to all personnel actions, including, but not limited to, recruitment, selection, placement, training, advancement, transfers, demotions, or layoffs, and all matters involving compensation. The College prohibits discrimination which denies full and equal employment of, and opportunity to participate in and benefit from, the goods, services, facilities, privileges, advantages, and accommodations offered by the College, including, but not limited to, educational opportunities and access to facilities and other services by otherwise qualified individuals. The College will provide reasonable accommodations to qualified individuals with disabilities.

This policy covers nondiscrimination in employment and in access to educational opportunities. Therefore, any member of the campus community, guest, or visitor who acts to deny, deprive, or limit the educational, employment, residential, and/or social access, benefits, and/or opportunities of any member of the campus community on the basis of their actual or perceived membership in the protected classes listed above is in violation of The College of Wooster's policy on nondiscrimination. When brought to the attention of the College, any such discrimination will be appropriately remedied by the College.

## **2. The College of Wooster Policy on Accommodation of Disabilities**

The College of Wooster is committed to full compliance with the Americans With Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws pertaining to individuals with disabilities. Under the ADA and its amendments, a person has a disability if he or she has a physical or mental impairment that substantially limits a major life activity. The ADA also protects individuals who have a record of a substantially limiting impairment or who are regarded as disabled by the institution whether qualified or not. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, or caring for oneself.

The Secretary of the College has been designated as the ADA/504 Coordinator responsible for coordinating efforts to comply with these disability laws, including investigation of any complaint alleging noncompliance.

### **a. Students with Disabilities**

The College of Wooster is committed to providing qualified students with disabilities with reasonable accommodations and support needed to ensure equal access to the academic programs and all activities and services of The College of Wooster.

All accommodations are made on a case-by-case basis. Students requesting academic accommodations should contact the Director of the Learning Center; all other requests for accommodations should be directed to the Longbrake Student Wellness Center. Requests, and supporting documentation provided by the student, will be reviewed and, in consultation with the

student, appropriate accommodations to the student's particular needs and academic programs will be determined.

### **b. Applicants with Disabilities**

Applicants are not required to indicate on the application for admission whether they have a disability. Applicants who wish to have their disability considered as a factor in the admissions process, however, must disclose the disability at the time of application and provide an explanation of why it is a factor in evaluating the applicant's qualifications for admission. If the applicant wishes the disability to be considered as a factor, it may be necessary for the applicant to provide appropriate documentation of the disability.

### **c. Employees with Disabilities**

Pursuant to the ADA, The College of Wooster will provide reasonable accommodation(s) to all qualified applicants, and to all qualified employees with known disabilities, where their disability affects the performance of their essential job functions, except where doing so would be unduly disruptive or would result in undue hardship.

An applicant or employee with a disability is responsible for requesting an accommodation in writing to the Associate Vice President of Human Resources (AVP for HR) and providing appropriate documentation. The AVP for HR or his/her designee will work with the applicant to identify reasonable accommodations to facilitate the application process, and with an employee's supervisor to identify which essential functions of the position are affected by the employee's disability and what reasonable accommodations could enable the employee to perform those duties.

## **3. The College of Wooster Policy on Discriminatory Harassment**

Students, staff, administrators, and faculty are entitled to a working environment and educational environment free of discriminatory harassment. The College of Wooster's harassment policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial or sensitive subject matters protected by academic freedom. The sections below describe the specific forms of legally prohibited harassment that are also prohibited under The College of Wooster's policy.

### **a. Discriminatory and Bias-Related Harassment**

Harassment constitutes a form of discrimination that is prohibited by law. The College of Wooster will remedy all forms of harassment when reported, whether or not the harassment rises to the level of creating a hostile environment. When harassment rises to the level of creating a hostile environment, The College of Wooster may also impose sanctions on the harasser. The College of Wooster's harassment policy explicitly prohibits any form of harassment, defined as unwelcome conduct on the basis of actual or perceived membership in a protected class, by any member or group of the community.

A hostile environment may be created by oral, written, graphic, or physical conduct that is sufficiently severe, persistent, pervasive, or objectively offensive so as to interfere with, limit, or deny the ability of an individual to participate in or benefit from educational programs or activities or employment access, benefits, or opportunities.<sup>2</sup>

Offensive conduct and/or harassment that does not rise to the level of discrimination or that is of a generic nature not on the basis of a protected status may not result in the imposition of discipline under College policy, but will be addressed through civil confrontation,

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<sup>2</sup> This definition of hostile environment is based on Federal Register / Vol. 59, No. 47 / Thursday, March 10, 1994: Department Of Education Office For Civil Rights, Racial Incidents And Harassment Against Students At Educational Institutions Investigative Guidance. The document is available at <http://www.ed.gov/about/offices/list/ocr/docs/race394.html>.

remedial actions, education, and/or effective conflict resolution mechanisms. For assistance with conflict resolution techniques, employees should contact the AVP of HR, and students should contact the Dean of Students.

The College of Wooster condemns and will not tolerate discriminatory harassment against any employee, student, visitor, or guest on the basis of any status protected by College policy or law.

#### **b. Anti-Sexual Harassment, Discrimination, and Sexual Misconduct**

The College of Wooster has developed a comprehensive anti-sexual harassment, discrimination, and sexual misconduct policy (the “policy”) in compliance with federal laws applicable to all members of the campus community including students, faculty, administrators, staff, and visitors.

The policy prohibits all forms of illegal sex- and gender-based discrimination, sex/gender-based harassment, sexual/gender violence, sexual exploitation, domestic violence, dating violence, and stalking which are collectively referred to herein as sexual misconduct. Sexual misconduct encompasses any unwelcome behavior of a sexual or gender-based nature that is committed without consent or by force, intimidation, coercion, or manipulation. Sexual misconduct can be committed by a person of any gender, and it can occur between people of the same or different genders. Sexual misconduct may vary in its severity and consists of a range of behavior or attempted behavior. It can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship.

For more information about the scope of the policy, related concepts and definitions, resources and reporting options, interim measures and support, and the complaint and resolution processes, or to print a copy of the policy in its entirety, go to the College’s Title IX webpage at <https://www.wooster.edu/offices/titleix/>.

#### **4. Other Civil Rights Offenses, When the Act is Based upon the Status of a Protected Class**

- Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person on the basis of their actual or perceived membership in a protected class
- Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of their actual or perceived membership in a protected class
- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another on the basis of actual or perceived membership in a protected class
- Hazing, defined as doing any act or coercing another, including the victim, to do any act of initiation into any student or other organization that causes or creates a substantial risk of causing mental or physical harm to any person. Hazing is not only prohibited by The College of Wooster, but is illegal under Ohio law.
- Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control, or diminish another person, physically or mentally on the basis of actual or perceived membership in a protected class
- Violence between those in an intimate relationship to each other on the basis of actual or perceived membership in a protected class (this includes romantic relationships, dating, domestic<sup>7</sup>, and/or relationship violence<sup>8</sup>)
- Stalking<sup>9</sup>, defined as a course of conduct directed at a specific person on the basis of actual or perceived membership in a protected class that is unwelcome and would cause a reasonable person to feel fear<sup>10</sup>
- Any other College of Wooster rules, when a violation is motivated by the actual or perceived membership of the victim on the basis of sex or gender or in a protected class, may be pursued using this policy and process

Sanctions for the above-listed “Other Civil Rights Offenses” range from reprimand up through and

including expulsion (students) or termination of employment.

## **5. Confidentiality and Reporting of Offenses under this Policy**

College of Wooster officials, depending on their roles at the College, have varying reporting responsibilities and abilities to maintain confidentiality. In order to make informed choices, one should be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality, offering options and advice without any obligation to inform an outside agency or individual unless you have requested information to be shared. Other resources exist for you to report crimes and policy violations, and these resources will take action when you report victimization to them.

The following describes the three reporting options at The College of Wooster:

### **a. Anonymous Reporting**

If a reporting party would like the details of an incident to be kept anonymous (no personally identifiable information to be shared), the reporting party may speak with licensed counselors in the Longbrake Student Wellness Center; off-campus local rape crisis counselors, domestic violence resources, local or state assistance agencies; or on- or off-campus members of the clergy/chaplains who will maintain confidentiality except in extreme cases of immediacy of threat or danger or abuse of a minor. Campus counselors and/or the Employee Assistance Program are available to help free of charge and can be seen on an emergency basis. College of Wooster employees to whom anonymous reports can be made will submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to the victim.

### **b. Confidential Reporting**

Complainants are encouraged to speak to College of Wooster officials, such as the Title IX Coordinator or a Deputy Title IX Coordinator, Secretary of the College, Dean of Students Staff, Campus Security, or the AVP of HR to make formal reports of incidents of misconduct or harassment. Complainants are in control of how much information they share and when and with whom they share it. Confidentiality will be maintained to the fullest extent possible to preserve a complainant's identity and privacy.

### **c. Mandatory Reporting**

All College employees, including RAs, are mandatory reporters. If they are aware of an allegation of discrimination, harassment, retaliation, and/or sexual misconduct, they must report it to one of the officials named above. Details of the allegation will not be shared unless there is a pattern of abuse or harassment or cause for fear for the safety of the complainant or the safety of others or the misconduct is a felony that is required by law to be reported. If personally identifiable information is shared, it will be shared with as few people as possible, and all efforts will be made to protect privacy to the greatest possible extent.

### **d. Formal Reporting Options**

Complainants have the right, and can expect, to have complaints taken seriously by The College of Wooster when formally reported, and to have those incidents investigated and properly resolved. Victims of campus crime should be aware that charges may be pursued through the College's judicial system, through the state judicial system, or both.

The judicial system at The College of Wooster is designed to address infractions of the Codes of Social Responsibility and Academic Integrity and policies of the College. The College's judicial system does not establish whether a crime has been committed. For more information concerning the College's judicial system, please refer to Section XV of the Code of Social Responsibility, which is found in The Scot's Key.

Victims of crime may also seek redress through the state judicial system. Charges may be filed with the local police department or other appropriate authorities. The Office of Security and Protective Services is prepared to assist any member of the campus community in reporting crime to appropriate law enforcement officials.

Formal reporting still affords privacy to the reporter, and only a small group of officials who need to know will be told. Information will be shared as necessary with investigators, witnesses, and the accused student/respondent. The circle of people with this knowledge will be kept as tight as possible to preserve a complainant's rights and privacy.

## **6. Remedial Action**

The College of Wooster will implement initial remedial and responsive and/or protective actions upon notice of alleged harassment, retaliation, and/or discrimination whether or not charges are pending through the College's judicial system and/or the state judicial system; persons who make a complaint (complainants) and those against whom a complaint is filed (respondents) are entitled to the same remedial actions. Such actions could include but are not limited to: no contact orders, providing counseling and/or medical services, academic support, living arrangement adjustments, providing a campus escort, academic or work schedule and assignment accommodations, safety planning, and/or referral to campus and community support resources.

The College of Wooster will take additional, prompt, remedial and/or disciplinary action with respect to any member of the community, guest, or visitor who has been found to engage in harassing or discriminatory behavior or retaliation. Deliberately false and/or malicious accusations of harassment, as opposed to grievances which, even if erroneous, are made in good faith, are just as serious an offense as harassment and will be subject to appropriate disciplinary action.

## **7. Retaliation**

Retaliation is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity. Retaliation against an individual for alleging harassment, showing support for a complainant, or for assisting in providing information relevant to a claim of harassment is a serious violation of The College of Wooster policy and will be treated as another possible instance of harassment or discrimination. Acts of alleged retaliation should be reported immediately to the Title IX Coordinator, a Deputy Title IX Coordinator, or the Secretary of the College and will be promptly investigated. The College of Wooster is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

## **8. Federal Timely Warning Obligations**

Victims of misconduct should be aware that The College of Wooster administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. The College will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.