

PERSONNEL, NEBRASKA STATE COLLEGE SYSTEM

POLICY: 5007

Anti-Harassment/Discrimination Policy

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BOARD POLICY

It is the policy of the Nebraska State College Board of Trustees to provide a workplace free of tensions involving matters which do not relate to the System's business. In particular, an atmosphere of tension created by unlawful discrimination or harassment does not belong in the workplace. Discrimination and harassment based on race, color, religion, sex, sexual orientation, gender identity, disability, age, marital-status, national origin, and any other categories protected by relevant federal, state, or local law are unlawful and prohibited by the Nebraska State College Board of Trustees.

Unlawful discrimination against or harassment of employees, students, applicants for employment and admission, and any visitors to campus are prohibited. Unlawful discrimination includes, without limitation, the unjust or prejudicial treatment of individuals based on their belonging to a protected category. Unlawful harassment includes, without limitation, verbal harassment (derogatory comments and/or slurs, negative stereotyping, intimidating behavior), physical harassment (assault or physical interference), visual harassment (posters, cartoons, drawings, or improper written or graphic material), sexual/gender harassment, and innuendo. Further, other forms of unlawful harassment include actions that have the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Each College has designated an individual to coordinate the College's nondiscrimination efforts to comply with regulations implementing Title II of the Americans with Disabilities Act, Titles VI and VII of the Civil Rights Act, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act. Inquiries regarding nondiscrimination policies and practices may be directed to the Compliance Coordinators assigned at each College and identified on each College website. Complaints of sexual harassment are addressed separately by Board Policy 5011 and should be directed to the College's Title IX Coordinator. Complaints of other discrimination on the basis of sex are addressed in this policy.¹

PURPOSE

The purpose of this policy is to establish clearly and unequivocally that the Nebraska State College System prohibits every form of unlawful harassment and discrimination and to set forth procedures for employees to report workplace harassment or discrimination.

PROCEDURES

If any employee has reason to believe that they or another employee has been unlawfully harassed or discriminated against, that employee should report the violation to a supervisor, the Director of Human Resources, Title IX Coordinator, or Vice President. If the reporting employee feels that the report does not achieve satisfactory results, a second report should be made to another administrator. Reports from employees in the System Office can be directed to the Chancellor or Vice Chancellor for Employee Relations.

Any complaints reported will be kept confidential to the extent possible and the reporting employee shall be assured that no negative consequences will be suffered as a result of making a report in good faith. All complaints are to be promptly and thoroughly investigated. If the investigation reveals that unlawful workplace harassment or discrimination has occurred, disciplinary action is to be immediately taken against the appropriate person or persons.

¹ The Office for Civil Rights can be contacted by the following methods: Email – OCR@ed.gov; Telephone – 800-421-3481; FAX – 202-453-6012; TDD – 800-877-8339; Website – <https://ocrcas.ed.gov/contact-ocr>. The OCR National Headquarters is located at U.S. Department of Education, Office for Civil Rights, Lyndon Baines Johnson Department of Education Building, 400 Maryland Avenue, SW, Washington, DC 20202-1100.

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If the victim requests confidentiality, asks that the report not be pursued, or declines to participate in an investigation or disciplinary proceeding, the College will document the request. The College will take reasonable steps to investigate and respond to reports consistent with such a request, if possible. Requests will be evaluated and weighed against the College's responsibility to provide a safe and nondiscriminatory environment.

Victims will be informed that the College has a legal duty to include information about reports of criminal sexual misconduct in annual security report statistics which do not identify either the person claiming to have been subject to criminal sexual misconduct or the alleged perpetrator.

In addition to promptly investigating and addressing all reports of harassment or discrimination, ongoing educational efforts and training on the issues of unlawful harassment, sexual abuse, and child molestation shall continue for employees.

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