

**Applies to:** Faculty, staff, student employees, students, volunteers, and applicants

**Responsible Office**

**Human Resources**

### POLICY STATEMENT

Central Ohio Technical College is committed to building and maintaining a diverse community to reflect human diversity, and to improve opportunities for all. The college is committed to equal opportunity and eliminating **discrimination** and **harassment**. This commitment is both a moral imperative consistent with an intellectual community that celebrates individual differences and diversity, as well as matter of law.

Central Ohio Technical College does not discriminate on the basis of age, ancestry, color, disability, ethnicity, gender, gender identity or expression, genetic information, HIV/AIDS status, military status (past, present or future), national origin (ancestry), race, religion, sex, sexual orientation, protected veteran status, status as a parent during pregnancy and immediately after the birth of a child, status as a parent of a young child, status as a foster parent or any other basis under the law, in its education program or activity, which includes employment.

### Purpose of the Policy

To establish a policy promoting **equal employment opportunity** and prohibiting discrimination based upon law, including and not limited to: Americans with Disabilities Act, Age Discrimination Act of 1975, Age Discrimination in Employment Act, Genetic Information Nondiscrimination Act, Pregnancy Discrimination Act, Rehabilitation Act of 1973, Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Vietnam Era Veterans' Readjustment Assistance Act of 1974, Executive Order 2019-05D, and any other laws related to equal opportunity.

### Definitions

Term	Definition
Applicant	An individual who has applied for a specific position at Central Ohio Technical College, meets the basic qualifications for the position, is considered by the college for the position, and does not voluntarily remove herself/himself from the position.
Discrimination	Discrimination (disparate treatment and disparate impact) occurs when an adverse employment action is taken and is based upon a protected status. There are two forms of discrimination: disparate treatment and disparate impact. Disparate treatment occurs when an employee suffers less favorable treatment than others because of the protected status. Disparate impact occurs when an employment policy, although neutral on its face, adversely impacts persons in a protected status.
Equal Employment Opportunity	All persons regardless of age, ancestry, color, disability, gender, gender identity or expression, genetic information, HIV/AIDS status, military status (past, present or future), national origin (ancestry), race, religion, sex, sexual orientation, protected veteran status, status as a parent during pregnancy and immediately after the birth of a child, status as a parent of a young child, status as a foster parent, or any other basis under the law shall have equal access to positions in the public service, limited only by their ability to do the job.
Harassment*	(1) Unwelcome, <b>protected class</b> -based verbal or physical conduct that (2) is sufficiently severe, persistent or pervasive that (3) it unreasonably interferes with, denies or limits an individual's ability to participate in or benefit from the college's education and employment programs and activities; and (4) is based on power differentials ( <i>quid pro quo</i> ) or the creation of a hostile environment.  *This definition does not include sexual harassment. See Sexual Misconduct, Sexual Harassment, and Relationship Violence policy 2.1.20, for the definition of sexual harassment.

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Term	Definition
Protected Class	Protected class is defined by federal law/executive order, state law/executive order, or COTC policy.

### Policy Details

- I. Guiding principles
  - A. Recruitment processes should be designed and conducted to result in the most diverse and qualified **applicant** pool possible.
  - B. Selection practices should emphasize hiring the best-qualified individuals.
  - C. Management practices should facilitate inclusive work environments that value and seek out human diversity and reward effective human relations skills.
  - D. College practices should emphasize prevention of discrimination and harassment.
  - E. Training and development opportunities should be made available to employees and should enhance the opportunities for individuals from underrepresented groups.
  - F. Promotion practices should be inclusive and provide equal opportunity for individuals from underrepresented groups.

### PROCEDURE

- I. Making a complaint of discrimination/harassment
 

Complaints can be filed by contacting the Office of Human Resources or by submitting a completed Discrimination/Harassment Complaint Form to the Office of Human Resources. Complaints of discrimination should be filed within 180 calendar days of notice of the event(s) that gave rise to the complaint.

  - A. Allegations can be made by individuals who are directly involved in, who observe, or who receive reliable information that discrimination/harassment may have occurred, including by third parties against any individual covered by this policy.
  - B. Allegations of sexual misconduct, which includes sexual harassment, are handled under Sexual Misconduct, Sexual Harassment, and Relationship Violence, Policy 2.1.20.
  - C. Allegations of all other forms of discrimination/harassment involving students in the nonemployment setting can be filed by contacting the Office of Student Life.
  - D. Filing a complaint with Central Ohio Technical College Office of Human Resources does not preclude the individual from filing a complaint with an external agency nor does it extend time limits with those agencies.
  - E. Individuals who wish to make a complaint of discrimination/harassment (outside of sexual harassment) should:
    1. Talk with the responsible party if desired and if comfortable doing so.
    2. Seek to resolve the situation in consultation with the supervisor and/or their senior leadership member if desired and comfortable doing so.
    3. If the issue is not resolved through #1 and #2, contact the Office of Human Resources. Submit a completed Discrimination/Harassment Complaint Form.
    4. Provide witness and/or documentation from individuals that have first-hand knowledge of the situation.
    5. Respect the confidentiality of all parties.
    6. Keep the investigator informed of any new concerns or actions taken against the complainant during the investigation.
- II. Confidentiality and privacy
 

The college recognizes the importance of confidentiality. Information received in connection with the filing, investigation, and resolution of allegations will be treated as private and will only involve individuals whom the college determines are necessary to conduct an appropriate investigation, to provide assistance and resources to parties, to perform other appropriate college functions, or in accordance with applicable law. All individuals

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involved in the process should observe the same standard of discretion and respect for the reputation of everyone involved in the process.

**III. Retaliation**

- A. Retaliation is prohibited by college policy and law. The college will not tolerate retaliation in any form against any individual who makes an allegation, files a report, serves as a witness, assists a complainant, or participates in an investigation of discrimination or harassment.
- B. Retaliation is a serious violation that can subject the offender to discipline, up to and including termination of employment and/or suspension or dismissal of a student, independent of the merits of the underlying allegation.
- C. Action can be taken under college policy as long as it is not done for the purpose of interfering with any rights and privileges provided by this policy.
- D. The college’s expectation is that employees will participate in proceedings pursuant to the policy. This expectation is subject to the rights of complainants and respondents provided by this policy, and other rights provided by applicable law. Disciplinary action for refusal to participate does not constitute retaliation.
- E. Allegations of retaliation should be directed to the Office of Human Resources, or in cases of sexual misconduct, which includes sexual harassment, to the Title IX coordinator.

**IV. Job posting language**

- A. Required tagline for job postings: COTC is an equal opportunity employer.
- B. Recommended (optional) tagline for job postings: Central Ohio Technical College is an equal opportunity employer. All qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, disability status or protected veteran status.

**Responsibilities**

Position or Office	Responsibilities
Department	<ol style="list-style-type: none"> <li>1. Ensure that a diverse pool is created for each search</li> <li>2. Ensure that management practices prevent discrimination and support Equal Employment Opportunity (EEO).</li> <li>3. Seek consultation from the Office of Human Resources in meeting obligations under this policy.</li> <li>4. Ensure that issues of discrimination are promptly referred to Human Resources. Once findings and actions steps are issued ensure that they are properly implemented.</li> <li>5. Ensure confidentiality of individuals with HIV/Aids infection, genetic information, or other issues governed by this policy.</li> </ol>
Human Resources	<ol style="list-style-type: none"> <li>1. Consult with and guide units, managers, and employees regarding this policy.</li> <li>2. Provide information and resources to supervisors, managers, and employees in support of EEO and non-discrimination.</li> <li>3. Display required EEO materials.</li> <li>4. Ensure that issues of discrimination are promptly addressed and remedied.</li> <li>5. Provide EEO and non-discrimination information and resources.</li> <li>6. Investigate complaints of discrimination.</li> <li>7. Ensure confidentiality of individuals with HIV/AIDS infection, genetic information, or other issues governed by this policy.</li> <li>8. Evaluate requests for confidentiality.</li> </ol>
Employee and applicant	<ol style="list-style-type: none"> <li>1. Complete and submit Personal Data Form.</li> <li>2. Individuals who wish to make a complaint of discrimination should:               <ol style="list-style-type: none"> <li>i. In simple situations, talk with the responsible party or seek to resolve the situation in consultation with the supervisor and/or cabinet member.</li> <li>ii. If the issue is not resolved, contact the Office of Human Resources. Submit a completed</li> </ol> </li> </ol>

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Position or Office	Responsibilities
	Discrimination/Harassment Complaint Form. iii. Provide witness and/or documentation from individuals that have first-hand knowledge of the situation. iv. Respect the confidentiality and reputation of all parties. v. Keep the investigator informed of any new concerns or actions taken against the complainant during the investigation. vi. Direct allegations of retaliation to the Office of Human Resources, or in cases of sexual misconduct, which includes sexual harassment, to the Title IX coordinator.

### Resources

- [Discrimination and Harassment Complaint Form](#)
- [Equal Employment Opportunity Commission](#)
- [Executive Order 2019-05D](#)
- [Ohio Revised Code Section 4112 Unlawful Discriminatory Practices](#)
- [National Human Genome Research Institute - genome.gov](#)
- [Policy 2.1.20 Sexual Misconduct, Sexual Harassment and Relationship Violence](#)
- Rehabilitation Act of 1973, Sections [503](#) and [504](#).

### Contacts

Subject	Office	Telephone	E-mail/URL
Title IX Coordinator (students)	Holly Mason Dean of Students  Warner Center Suite 226 1179 University Drive Newark, Ohio 43055-1797	740-366-9219	mason.536@mail.cotc.edu
ADA/504 Coordinator	Holly Mason Dean of Students  Warner Center Suite 226 1179 University Drive Newark, Ohio 43055-1797	740-366-9219	mason.536@mail.cotc.edu
Employment Matters, (employees)	Sue Wadley Director, Human Resources  Founders Hall Ste 1014 1179 University Drive Newark, Ohio 43055-1797	740-755-7345	wadley.16@mail.cotc.edu

### History

Issued: 03/19/1996  
 Revised: 04/21/2010  
 Revised: 03/07/2013  
 Reviewed: 05/06/2014

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Edited: 01/05/2015

Edited: 04/16/2015

Revised: 09/01/2015 (Interim status, retitled EEO and Non-discrimination)

Revised: 10/22/2015 (Interim status removed)

Edited: 01/03/2017

Reviewed: 01/10/2018 (new template)

Edited: 01/08/2019

Revised: 05/07/2019 (E.O. 2019-05D)

Edited: 01/07/2020 (contacts)

Edited: 09/14/2020

Edited: 02/14/2022 (contacts)