

Board of Trustees of the Nebraska State Colleges

Personnel

POLICY NAME: Anti-Harassment/Discrimination

POLICY NUMBER: 5007

A. PURPOSE

To establish an anti-harassment/discrimination workplace.

B. DEFINITIONS

- 1. Age Discrimination:** Age discrimination involves unfavorable treatment due to age. Protections from age discrimination apply to people who are age forty (40) or older.
- 2. Color Discrimination:** Color discrimination involves unfavorable treatment because of skin color complexion. *Also see race discrimination below.*
- 3. Disability Discrimination:** Disability discrimination involves unfavorable treatment because of a history of a disability or because a person is believed to have a physical or mental impairment that is not transitory and minor (even if they do not have such an impairment).
- 4. Gender Identity Discrimination:** Gender identity discrimination involves unfavorable treatment because of a person's gender identity, appearance, mannerisms, or other gender related characteristics.
- 5. Pregnancy Discrimination:** Pregnancy discrimination involves unfavorable treatment due to pregnancy, childbirth, or a medical condition related to pregnancy or childbirth warranting similar accommodations consistent with temporarily disabled employees.
- 6. National Origin Discrimination:** National origin discrimination involves unfavorable treatment because a person is from a particular country or part of the world, because of ethnicity or accent, or because they appear to be of a certain ethnic background (even if they are not).
- 7. Race Discrimination:** Race discrimination involves unfavorable treatment because of their race, or because of personal characteristics associated with race. Race is inclusive of characteristics such as skin color, hair texture, and protective hairstyles or certain facial features. Race/color discrimination can also involve treating people unfavorably because they are married to (or associated

with) a person of a certain race or color. Protective hairstyles include braids, locks and twists.

- 8. Religion Discrimination:** Religion discrimination involves unfavorable treatment because of religious practices or beliefs (or because a person does not have religious practices or beliefs).
- 9. Sex Discrimination:** Sex discrimination involves unfavorable treatment based on sex. This includes discrimination and harassment based on sexual orientation or gender identity.
- 10. Sexual Orientation Discrimination:** Sexual orientation discrimination includes offensive jokes or comments related to sexual orientation, homophobic slurs or name calling, and unwelcome touching or sexual gestures.

C. POLICY

1. Workplace Policies

- 1.1. Each College will 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.
- 1.2. Discrimination and harassment based on race, color, religion, sex, sexual orientation, gender identity, pregnancy, disability, age, marital status, national origin, and any other categories protected by relevant federal, state, or local law are unlawful and prohibited by the Board.
- 1.3. Unlawful discrimination against or harassment of employees, students, applicants for employment and admission, and any visitors to campus are prohibited.
- 1.4. Unlawful discrimination includes, without limitation, the unjust or prejudicial treatment of individuals based on their belonging to a protected category.
- 1.5. Unlawful harassment includes, without limitation, verbal harassment (derogatory comments and/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.
- 1.6. 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.
- 1.7. 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.

- 1.8. 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 bases of sex are addressed in this policy.¹

2. College Procedures

- 2.1. 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.
- 2.2. 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.
- 2.3. 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.
- 2.4. 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.
- 2.5. 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.
- 2.6. 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.
- 2.7. 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.

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.

- 2.8. 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.

FORMS/APPENDICES:

None

SOURCE:

Policy Adopted: October 1984

Policy Revised: March 1994, September 2004, April 2014, November 2014, March 2015 –
Effective July 2015, March 2017, June 2017, July 2020, November 2021, May 2022