

Policy Number **3354:2-20-02**
Title Equal Employment and Title IX Compliance
Date Approved **By the Board of Trustees 3/1/01**
Updated and approved **03/06/03, 6/30/05, 10/04/12**
Related Procedure **HR20-02A, HR20-02C**

Continuing Admin & S/P	Temporary Admin & S/P	Tenure-track Faculty	Non-tenure track Faculty
x Full-time	x Full-time	x Full-time	x Temporary
x Partial-year	x Partial-year		x Part-time
x Part-time	x Part-time		
Staff	Staff		
x Full-time	x Full-time		
x Partial-year	x Partial-year		
x Part-time	x Part-time		

(A) Statement of Commitment

- (1) Lakeland Community College continues its policy that, in its educational and employment opportunities, there shall be no harassment or discrimination against any person because of sex, race, color, religion, sexual orientation, national origin, disability, ancestry, veteran or Vietnam-era veteran status, age, or familial status.

(2) Educational Programs and Activities

(a) Educational programs and activities include all academic, educational, extracurricular, athletic, and other programs of the College receiving federal financial assistance regardless of whether those programs take place in the College's facilities, or at a class, program, or activity sponsored by the College at another location.

(b) For purposes of Title IX, sex-based discrimination or harassment occurs when a person is excluded from participation in, or is denied the benefits of, a federally assisted program or activity because of the person's gender.

(3) Employment

(a) Lakeland Community College is committed to act affirmatively to promote equal employment opportunities and practices for employees. Equal employment opportunity consists of all the procedures and cultural diversity activities of the college which contribute to nondiscrimination, and ensure equal employment opportunity for all.

(b) Lakeland Community College will recruit, select, and employ the individual most likely to succeed in a position in accordance with equal employment opportunity. The skills, education, work experience established as requirements for employment in a position will be reasonable, bona fide occupational qualifications.

All tenure-track faculty positions and continuing status administrative positions will be announced nationwide.

(c) Lakeland's equal employment opportunity policy shall be widely disseminated within the college and the community. This is an official policy of the college and shall be considered a public document and distributed by the Human Resources department.

(d) The president shall have the ultimate responsibility for achieving equal employment opportunity and related decisions.

(e) The operating responsibility to implement and evaluate the equal employment opportunity program is assigned by the President to the Director for Human Resources.

(f) All supervisory personnel are responsible for compliance with the equal employment opportunity policy within their area.

(4) Facilities

There shall be no discrimination in the provision or rental of facilities with the exception of the availability of segregated facilities where the traditional right of privacy dictates usage segregated by sex.

(5) Construction contractors and sub-contractors

All construction contractors and sub-contractors shall be informed of the college non-discrimination requirements of the equal employment opportunity policy and notified that the college expects them to conform to applicable federal and state guidelines.

(6) Purchasing

All contractors and suppliers shall be informed of the college's non-discrimination requirements of the equal employment opportunity policy and notified that the college expects them to conform to applicable federal and state guidelines.

(B) Reporting

Any person who believes he or she has been a victim of discrimination or harassment is strongly encouraged to pursue relief by reporting the discriminatory or harassing behavior to the appropriate individual(s) as outlined in the appropriate procedure.

Procedure Number	HR20-02A
Title	Equal Employment Opportunity Procedures
Date Approved	By President's Cabinet 1/23/01
Updated & approved	6/30/05
Related policy	3354:2-20-02

The college equal employment opportunity policy will be implemented using the following procedures:

(A) Dissemination of Policy

- (1) The following are among the measures that shall be taken to ensure broad dissemination of the policy and procedures and to develop understanding and support.
 - (a) Each employee shall receive a current copy of the policy.
 - (b) The equal employment opportunity policy shall be publicized widely within the college. Such groups and individuals as recruitment sources, unions, vendors, prospective employees, and others will also be informed of the college's policies.

(B) Responsibility for Implementation

- (1) The Director of Human Resources will be responsible for:
 - (a) developing and recommending to the President procedures for implementation.
 - (b) informing supervisors of cost centers and members of the college community of their rights and responsibilities under legal guidelines.
 - (c) developing statistical material as required to implement the college's equal employment opportunity policy.
 - (d) annually conducting a formal evaluation of the college's performance and disseminating the results to all employees.
 - (e) completing all required reporting forms on equal employment opportunity at the college including the federal EEO-6 and the Ohio Civil Rights Commission report forms.
 - (f) Assisting supervisors and Human Resources Department staff in following correct personnel procedures when any employment action is taken.
 - (g) Serving as liaison between the college administration and concerned individuals or groups in the college or in the community.
 - (h) receiving complaints from employees about alleged discrimination, providing information and counseling, and assisting them in the grievance process.
 - (i) receiving, from outside parties, charges of discrimination, investigating

them, recommending remedial action to the president, and filing institutional responses where necessary.

- (j) discharging other related equal opportunity responsibilities as assigned by the president.

(2) The supervisors will be accountable for:

- (a) informing themselves about the equal employment opportunity policy.
- (b) the achievement of equal employment opportunity policy implementation within their areas of responsibility.

(C) Recruitment

(1) The Human Resources Department is responsible for initiatives to ensure sufficient, diverse pools of qualified applicants for actual and anticipated vacancies. To this end the Human Resources Department shall:

- (a) Establish and maintain a reciprocal working relationship with institutions, organizations, and individuals considered likely sources of qualified diverse applicants including:
 - (i) Relevant professional organizations, including those with the goal of furthering the career development and opportunities of members of the protected classes;
 - (ii) The placement centers of nearby colleges;
 - (iii) The placement centers of colleges and universities cross the United States with large numbers of faculty and students from the projected classes;
 - (iv) National, state and local organizations representing the interests of members of the protected classes.
- (b) Encourage employees to refer qualified/qualifiable applicants who are members of the protected classes.
- (c) Whenever possible, include members of the protected classes on search committees.
- (d)——Review position qualifications to ensure that they are bona fide occupational qualifications that do not screen out qualified persons with disability or other members of the protected classes. Assist the supervisor of record in determining what reasonable accommodations can be made to accommodate disabled persons in the performance of job duties that do not create an undue hardship.
- (e)——Publish the following statement on each position vacancy announcement: "It is the policy of Lakeland Community College to recruit and select individuals without regard to race, color, religion, sexual orientation, national origin, age,

disability or veteran status. We encourage applications from qualified women, minorities, and individuals with disabilities."

- (f) Announce full time faculty, administrative and supervisory/professional vacancies nationwide via classified advertisements in publications such as The Chronicle of Higher Education and/or mailings of position vacancy announcements to state, regional and national professional organizations and those organizations representing the career interests of members of the protected classes.
 - (g) Announce part-time administrative and supervisory/professional vacancies and all continuing status and full-time non-continuing status staff vacancies via mailings of position vacancy announcements to local employment bureaus and professional organizations, including those representing the career interests of members of the protected classes and advertising in local and/or regional publications as necessary.
 - (h) Maintain contact with diverse and qualified applicants from previous searches for inclusion in the applicant pool for a future vacancy.
- (2) Selection process for full-time administrative and supervisory/professionals and staff at pay grade nine or higher.
- (a) A search committee of four to seven members will be convened for all administrative vacancies.
 - (i) The Vice President responsible for the department in which the vacancy occurred will submit to the President a recommendation for the appointment of a chairperson for the search committee.
 - (ii) The chairperson of the committee, in conjunction with the Vice President and the Director of Human Resources, will recommend at least five potential members to the President.
 - (iii) Search committee membership is based on the members' ability to evaluate applicants' knowledge and skills either as a result of expertise in the field or the working relationship of the positions.
 - (b) The search committee is charged with recommending finalists, not in ranked order, to the administrator who is the supervisor of record for the vacancy. (If the supervisor of record is serving as the chair of the committee, the recommendation is submitted to the next level administrator.) In order to accomplish this, the search committee will:
 - (i) Review the qualifications established for the position.
 - (ii) Review the applications submitted for the vacancy.
 - (a) The committee may review all of the applications or only the applications of those individuals selected for further consideration by the Human Resources Department, who will

screen in accordance with the established minimum and preferred qualifications.

- (iii) Select applicants for interview
 - (iv) Prepare interview questions based on the criteria established and the responsibilities of the position
 - (v) Review information gathered from background inquiries conducted by the Human Resources Department
 - (vi) Evaluate the knowledge, skills, and abilities of each candidate interviewed
 - (vii) Prepare a written statement of each finalists' strengths and weaknesses
- (c) The Human Resources Department serves in an advisory capacity to the search committee on selection procedures including, but not limited to:
- (i) Determination of equivalency of qualifications
 - (ii) Suitability of applicant pool
 - (iii) Tools or methods useful for selecting interviewees from the applicant pool
 - (iv) Preparation of appropriate interview questions and, if necessary, job-relevant simulation exercises
 - (v) Background inquiries
 - (a) The Human Resources Department, in consultation with the Vice President of the unit in which the vacancy occurred, will determine which of the following levels of background inquiries are required by law and/or are relevant, including but not limited to: (1) current and/or prior employment verification; (2) degree verification; (3) criminal record review; (4) motor vehicle record and (5) drug and alcohol testing.
 - (b) Information obtained in background inquiries other than numbers 1 and 2 above, will be kept confidential. The information may be reviewed with the Vice President of the unit with the vacancy but not the search committee. The Director of Human Resources and the Vice President are responsible for evaluating the information's relevancy to the position requirements, determining the need to further communicate with the applicant in an attempt to clarify the information obtained and, finally, the applicants suitability for employment.
 - (vi) Record-keeping

- (a) Written records shall be maintained of the recruitment and selection process for each position opening including information about advertising, recruitment, applications and associated materials filed, and the rejection, further consideration or recommendation of applicants and the basis for such decisions.
 - (d) Recommendation and approval procedure
 - (i) The search committee will recommend up to three finalists in unranked order with a summary of their strengths and weaknesses to the supervisor of record (if the supervisor of record is serving as the chair of the committee, the recommendation is submitted to the next level administrator.)
 - (a) The supervisor of record or next level administrator, in addition to interviewing some or all of the finalists, may choose to review the entire applicant pool and select additional qualified interviewees.
 - (ii) The recommendation for hire must be submitted to, and approved by the Vice President of the unit and the President, both reserving the right to review the entire applicant pool and selecting additional interviewees.
 - (iii) All salary offers require the approval of the President.
 - (iv) The written offer of employment subject to approval by the Board of Trustees for positions at the director or above level will be presented to the individual by the Director of Human Resources.
- (3) Selection process for full-time faculty
 - (a) In accordance with the "Guidelines for Search Committees Charged with Hiring Full-time Faculty", developed in conjunction with the Lakeland Faculty Association Executive Committee.
 - (b) The role of the Human Resources Department shall be as outlined in (C)(1) (d) of this procedure.
 - (c) The recommendation and approval procedure shall be as outlined in (C)(2)(d) of this procedure.
- (4) Selection process for staff (full or part-time) below pay grade ten
 - (a) The supervisor of record assumes responsibility for the tasks defined in (C)(2)(b)(iii).
 - (b) The role of the Human Resources Department shall be as outlined in (C)(1) (d) of this procedure.

- (c) The recommendation and approval procedure shall be as outlined in (C)(2)(d) (ii) and (iii) of this procedure.
- (5) Selection process for part-time faculty
 - (a) In accordance with the "Recruitment and Selection Procedures for Part-time Faculty" developed in conjunction with the Vice President for Academic Affairs and Dean's Council.
- (6) Compensation and benefits

The college shall not discriminate in the compensation and benefits received by its employees.
- (7) Transfer

Transfers will be made on a non-discriminatory basis.
- (8) Discipline, termination and layoff
 - (a) Discipline, terminations, and layoffs shall be made on a non-discriminatory basis and shall adhere to established policy and procedures.
 - (b) When positions have been terminated for budgetary or programmatic reasons and incumbents have been laid off, those individuals shall be recalled in reverse order of layoff if terminated positions are restored.
 - (i) Faculty recall procedures shall be those outlined in the "Reduction in Staff" section of the negotiations agreement.
 - (ii) Staff members shall be recalled according to Board approved policy.

Procedure Number	HR20-02C
Title	Equal Employment and Title IX Compliance and Grievance
Procedure	
Date Approved	9/17/12
Updated & approved	
Related policy	3354:02-20-02

(A) Overview

- (1) It is the policy of Lakeland Community College, in compliance with Title VII of the Civil Rights Act, state law, and the Campus Safety Act (as amended) to provide an educational environment and workplace free of harassment and discrimination of all kinds, including, but not limited to, sexual harassment.
- (2) It is the policy of Lakeland Community College, in compliance with Title IX of the Education Amendments of 1972, to prohibit discrimination based on sex in educational programs and activities which receive federal financial assistance. Lakeland Community College is committed to complying with Title IX through proactive policies and procedures which ensure that students can participate in, and receive the benefits of, the College's educational programs and activities in an environment which is free from discrimination on the basis of sex.
 - a. Educational programs or activities include all academic, educational, extracurricular, athletic, and other programs of the College, regardless of whether those programs take place in the college's facilities, or at a class, program, or activity sponsored by the College at another location.
 - b. For purposes of Title IX, sex-based discrimination or harassment occurs when a person is excluded from participation in, or is denied the benefits of, a federally assisted program or activity because of the person's gender.
- (3) Sexual harassment includes sexual violence, and is mainly defined as an unwelcome sexual advance, a request for a sexual favor, and other verbal or physical conduct of a sexual nature. Unwelcome conduct of a sexual nature that creates an uncomfortable working/teaching/learning environment and which can be the basis of a complaint under this policy may include:
 - a. Deliberate, unsolicited sexually oriented comments or gestures;
 - b. Display of offensive sexually oriented graphic material;
 - c. Physical contact such as stroking, pinching or frequently touching another's body;
 - d. Demand for sexual favor with an implied or explicit promise of preferential treatment or threat.

- (4) The College prohibits soliciting, encouraging, engaging, or consummating an inappropriate relationship with a minor or a student over which the employee has either real or perceived control or influence.
- (5) It is an employee's and/or student's responsibility to be attentive to the possibility that previously consensual or welcome conduct may at some point become unwelcome. Persons wishing to terminate consensual conduct or a consensual relationship should advise the other participant verbally or in writing that the conduct is no longer welcome. Upon notice that the conduct is no longer welcome, the other participant must cease the conduct immediately. In the event of an allegation of harassment, the College will carefully scrutinize any defense based on the claim that the relationship was consensual when the facts establish that an academic or employment power differential existed within the relationship.
- (6) Consistent with the Campus Safety Act (as amended), Title VII and Title IX, the College will provide for proactive educational programming, assistance to victims of sex offenses, and procedures for notification of appropriate administrators when an offense occurs.

(B) Reporting discrimination or harassment

- (1) The College has designated the Director for Human Resources as the Administrative Coordinator of the College's Equal Employment policy and Coordinator of the College's Title IX policy: **Cathy Bush, 440-525-7112, cbush@lakelandcc.edu, Room A-2005.**
- (2) The Chief of Staff and Senior Vice President for Institutional Development and Effectiveness is the Deputy Administrative Coordinator of the College's Title VII Equal Employment policy and a grievant may alternately report behavior believed to be in violation of Title VII to: **Mary Ann Blakeley, 440-525-7119, mblakeley@lakelandcc.edu, Room C-2102.** (If the report is about conduct of the Human Resources Department or the Director specifically, then it should be filed with the Deputy Administrative Coordinator.)
- (3) The Associate Vice President for Student Development and Dean of Students is the Deputy Title IX Coordinator and a grievant may alternately report the behavior to the Deputy Title IX Coordinator: **Richard Novotny, 440-525-7358, rnovotny@lakelandcc.edu, Room S-243.** (If the report is about conduct of the Human Resources Department or the Director specifically, then it should be filed with the Deputy Title IX Coordinator.)
- (4) Any student or employee of the College who believes that he or she has witnessed or been the subject of harassment or sex-based discrimination in violation of the College's policy is responsible to report the behavior to the above-noted individuals within 180 days of the date of the alleged conduct.

(C) Procedure for making a report of a complaint of discrimination or harassment

- (1) The individual making the report shall be encouraged to file a written complaint with one of the above-noted individuals, but will not be required to put it into writing.

- (2) Any employee or student who knowingly or maliciously files a false allegation of discrimination or harassment will be subject to disciplinary, administrative or criminal sanctions through the appropriate procedures.
- (3) Complainants are expected to make a report within 180 days of when the alleged conduct occurred. Evidence of discrimination or harassing behaviors that occurred prior to the alleged conduct being reported may be considered as part of a pattern of conduct.
- (4) In response to a report, the College will make every effort to protect the privacy of all parties involved. Information relating to the report will be shared only as required by law or under this policy. Specifically, if a complainant requests that his or her name not be revealed, the College will take all reasonable steps to investigate and respond to the complaint consistent with the complainant's request as long as doing so does not prevent the College from responding effectively to the discrimination/harassment and preventing harassment of other parties.
- (5) Receipt of a report of discrimination/harassment will be acknowledged within five (5) business days and the complainant will be informed of options for resolving potential violations of College policy. These options include informal dispute resolution between the parties, formal investigation by the appropriate Coordinator (or Deputy Coordinator), and/or referral to other internal or external offices, agencies, programs, and resources.
- (6) Informal dispute resolution options include separating the parties or placing limitations on contact between the parties, making alternative working or student classroom arrangements, referring the parties to voluntary counseling programs, or conducting targeted educational and training programs.
 - a. Situations that are resolved through informal resolution are subject to follow-up after a period of time to assure that resolution has been implemented effectively. Steps taken by the appropriate Coordinator (or Deputy Coordinator) to help the parties achieve informal resolution will be documented.
- (7) Some reports of discrimination or harassment may not be appropriate for informal resolution, but may require a formal investigation at the discretion of the appropriate Coordinator (or Deputy Coordinator). While taking into consideration the sensitive nature of these matters, a formal investigation may be necessary when: the facts are in dispute in reports of serious misconduct; the report involves individuals with a pattern of inappropriate behavior or allege criminal acts such as stalking, menacing, sexual assault, or physical assault; or in cases where attempts at informal resolution are unsuccessful. If the complaint alleges criminal acts, then the Coordinator (or Deputy Coordinator) may call upon the Chief of Police and Director for Public Safety.
- (8) The Coordinator (or Deputy Coordinator) will provide a copy of the written complaint or otherwise give a full and written statement of the allegations when informing the complainant and/or the alleged victim and the accused of the process for conducting a formal investigation.
 - a. At any time during the investigation, the Coordinator (or Deputy Coordinator) may recommend that interim protections or remedies for the complainant or witnesses be provided by appropriate College officials. These protections or remedies may include separating the parties, placing limitations on contact between the parties, or making alternative working or student classroom arrangements. Failure to comply with the terms of interim protections may be considered a separate violation of this policy.
 - b. Attempts to take retaliatory action against the complainant or accused, or attempts to influence the investigation will be considered a serious offense

and subject to disciplinary and/or other action up to and including discharge for an employee and up to and including expulsion for a student.

- (9) The Coordinator (or Deputy Coordinator) will prepare an investigative report within thirty (30) business days of receipt of the written complaint. In order to do this, the Coordinator (or Deputy Coordinator) may:
 - a. Consult with the complainant as necessary;
 - b. Interview witnesses – request they put their statements in writing or, if unable, prepare statements for their review and signature;
 - c. Collect and preserve evidence;
 - d. Interview others who may have knowledge of the situation and may be of assistance in establishing the facts;
 - e. Interview the accused – request he/she respond in writing to the allegations or, if unable, prepare a statement for his/her review and signature.
- (10) The investigative report will include, at a minimum, a statement of the allegations and issues, a summary of the information considered, findings of fact, and a determination by the investigator as to whether College policy has been violated. For allegations of discrimination or harassment, there are three possible findings:
 - a. Substantiated: It is more than likely that the allegation is true.
 - b. Unsubstantiated: It is not possible to determine whether the allegation is true or untrue. There is insufficient evidence to prove or disprove that the allegation is true.
 - c. Unfounded: It is more likely than not that the allegation, while made in good faith, is untrue. A finding that the allegations are unfounded does not indicate that the complaint was improper or knowingly false.
- (11) The report may contain a recommendation for actions to resolve the complaint, including, but not limited to, educational programs, counseling/coaching, mediation, remedies for the complainant, discipline under applicable procedures, etc.
 - a. The report may be used as evidence in other related procedures, such as subsequent complaints, grievances and/or disciplinary actions.
- (12) The complainant and accused shall be informed in writing of the investigator's findings within five (5) business days of completion of the report. The complainant shall be informed of the findings and of actions taken or recommended to resolve the complaint, if any, that are directly related to the complainant, such as an order that the accused not contact the complainant. The complainant shall be notified generally that the matter has been referred for disciplinary action, but shall not be informed of the details of the recommended disciplinary action without the consent of the accused. The accused shall be informed of the findings and actions taken or recommended to resolve the complaint and shall be notified of pending disciplinary action if recommended.
 - a. Student discipline will be handled through the process outlined in the Student Conduct Code Policy and Procedure. Employee discipline will be handled through the Board policies and administrative procedures for employment.
- (13) The complainant and accused may request a copy of the investigative report pursuant to College policy and state laws governing privacy and access to personal information.
- (14) Regardless of the method of resolution or the outcome, the complainant is at all times free to pursue a complaint with the Equal Employment Opportunity Commission, the Ohio Civil Rights Commission, the United States Department of Education (Office for Civil Rights), or by consulting a labor/employment attorney at her or his own expense.

(D) If not satisfied by the proposed resolution(s) or lack thereof, the accused and the complainant have five (5) business days from the date presented with the report to file a written appeal with the Chief of Staff and Senior Vice President for Institutional Development and Effectiveness or, if the initial complaint was registered with the Chief of Staff as the Deputy Coordinator, then the appeal should be directed to the Provost.

(1) The accused or complainant must state the basis for the appeal (e.g., a question of the facts as presented in the report, dissatisfaction with the proposed resolution or discipline, etc.)

(2) The Chief of Staff and Senior Vice President for Institutional Development and Effectiveness or Provost will review the appeal, conduct additional investigative inquiries if necessary, and respond in writing within ten (10) business days to the accused, complainant, and Coordinator (or Deputy Coordinator).

(3) The decision of the Chief of Staff and Senior Vice President for Institutional Development and Effectiveness or Provost will be final.