

<b>SUPERSEDES:</b> 06/12/2018	<b>SECTION:</b> Administration
<b>POLICY AND PROCEDURE MANUAL</b>	<b>CODE NO.</b> 109
<b>MERCY COLLEGE OF OHIO, TOLEDO, OHIO</b>	<b>SUBJECT:</b> Civil Rights/Nondiscrimination
Signature on file	<b>DATE ORIGINATED:</b> 09/08/2015
	<b>DATE COMMITTEE BOARD APPROVED:</b> N/A
Signature: Dr. Susan Wajert, President	<b>DATE BOARD APPROVED:</b> 06/14/2022
	<b>DATE OF NEXT REVIEW:</b> 2025 April 1-30

## **Civil Rights/Nondiscrimination Policy**

### **PURPOSE:**

To commit to the practice of nondiscrimination on the bases of race, color, national and ethnic origin, ancestry, sex, sexual orientation, gender identity, disability, age, marital status, military status, religion, pregnancy, genetic information, citizenship status, and any other legally-protected class in employment, admissions and other educational programs, services and activities, in accord with applicable federal and state law at Mercy College of Ohio (“the College”).

### **SCOPE:**

This policy applies to all College employees, students, applicants for employment or admission, as well as certain third parties conducting business on behalf of the College or otherwise visiting the College.

This policy applies to conduct that occurs on campus or other College property; in connection with College programs or activities, whether on or off-campus, including academic, educational, extracurricular, athletic and other programs and activities; impedes equal access to any College educational program or activity or adversely impacts the education or employment of a member of the College community, regardless of where the conduct occurred; or otherwise threatens the health or safety of a member of the University community.

### **POLICY:**

Discrimination occurs when persons are excluded from participation in, or denied the benefits of, a College program or activity because they are a member of a legally-protected class.

Discrimination can involve subjecting someone to unwelcome conduct that creates a hostile environment (i.e., harassment). To reflect its commitment to nondiscrimination, the College has adopted the following nondiscrimination statement.

**Nondiscrimination Statement:**

*Mercy College of Ohio is committed to a policy of nondiscrimination on the bases of race, color, national and ethnic origin, ancestry, sex, sexual orientation, gender identity, disability, age, marital status, military status, religion, pregnancy, genetic information, citizenship status, and any other legally-protected class in employment, admissions and other educational programs, services and activities, in accord with applicable federal and state law.*

The College will promptly and thoroughly investigate all allegations of discrimination. If an individual is found to have violated the College's nondiscrimination statement, the College will take appropriate action to stop discrimination and/or harassment, prevent recurrence of the discrimination and/or harassment and take steps to correct its discriminatory effects on the complainant and others, if appropriate. Individuals found responsible for discrimination and/or harassment in violation of this policy will face disciplinary action, up to and including dismissal or termination. Any member of the College community who is a witness to or victim of discrimination and/or harassment should immediately notify the Director of Compliance and Risk Management or another member of the College's administration. Any College employee who receives notice of a complaint of discrimination or harassment must immediately convey the same to the Director of Compliance and Risk Management. The College prohibits retaliation based upon exercising rights protected under this policy, including reporting of violations and/or participating in a process pursuant to this policy.

**COMPLAINTS OF DISCRIMINATION:**

Any person may file a complaint alleging discrimination or harassment in violation of this policy's nondiscrimination statement and scope. Complaints may allege discrimination or harassment carried out by employees, students, or third parties. Complaints should be directed to:

Stacey Brown  
Director of Compliance and Risk Management  
419-251-1710

Complaints of Sexual Harassment (which includes Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, or Stalking) will be processed pursuant to the procedures contained in *Policy 522 Sexual Harassment*.

Complaints of disability discrimination, including disability harassment, will be processed pursuant to the procedures below, which constitute the College's Section 504 grievance

procedures. Complaints of all other forms of discrimination and harassment will also be processed pursuant to the procedures set forth below.

**RELATED POLICIES AND PROCEDURES:**

Conduct that is of a discriminatory or harassing nature may also implicate other College policies. The following policies and procedures may be relevant to complaints of discrimination and harassment:

- Accessibility/ADA/504 Policy
- Hazing Policy
- Student Code of Conduct

Questions about the Accessibility/ADA/504 Policy should be directed to the Section 504 Coordinator:

Christine Miller  
Director of Accessibility and Testing Services  
419-251-1784  
[christine.miller@mercycollege.edu](mailto:christine.miller@mercycollege.edu)

Questions about the Hazing Policy or Student Code of Conduct should be directed to:

Marc Adkins  
Vice President of Student Affairs & Dean of Students  
419-251-1512  
[marc.adkins@mercycollege.edu](mailto:marc.adkins@mercycollege.edu)

**OUTSIDE OPTIONS FOR RESOLUTION OF COMPLAINTS:**

Complaints of discrimination may be filed with the Office for Civil Rights, U.S. Department of Education at the following address:

Director, Office for Civil Rights, U.S. Department of Education  
1350 Euclid Avenue, Suite 325  
Cleveland, OH 44115-1812  
Telephone (216) 522-4970  
FAX: 216-522-2573; TDD: 800-877-8339  
Email: [OCR.Cleveland@ed.gov](mailto:OCR.Cleveland@ed.gov)

---

Reviewed: June 2022 (*Updated purpose and scope, clarified definitions of discrimination and sexual harassment, addition of outside options for resolution of complaints*)

Board Approved: 06/11/2019

Board Committee Approved: N/A

Board Approval: 06/14/2022

Revised: May 2019 (*Clarified Section 504 complaint policy and process*)

Board Approved: 06/12/2018

Board Committee Approved: 05/22/2018

Reviewed: February 2018 (*Added scope, separated policy from procedure, changed point of contact to Director of Compliance and Risk Management*)

Board Approved: 09/08/2015

Board Committee Approved: 08/25/2015

## **PROCEDURE 109**

### **Complaints of Discrimination and Harassment**

1. All complaints of discrimination or harassment in violation of the nondiscrimination statement must be submitted in writing to the Director of Compliance and Risk Management (the “Director”), or another member of the College’s administration.
2. A member of the administration, faculty, or staff that receives a complaint of discrimination or harassment shall immediately forward such complaint to the Director.

### **Investigation of Complaints**

1. Where an investigation is determined as appropriate, the Director will commence an investigation within 7 business days of receiving a complaint. The Director will speak to all parties involved (complainant, respondent, and witnesses) and collect any non-testimonial evidence. Both the complainant and respondent will have an equal opportunity to identify and have considered witnesses and other relevant evidence.
2. The investigation will conclude no later than 60 calendar days after the start of the investigation unless good cause exists to extend the time period for investigation.
3. The College will use a preponderance of the evidence standard in determining responsibility for claims of discrimination or harassment.
4. The Director will provide written notice to both parties of the outcome of the investigation, including the rationale for the decision reached.
5. When there is sufficient evidence to find a violation of the Civil Rights/Nondiscrimination Policy, the matter will be referred for appropriate disciplinary and remedial action as outlined below.
6. When there is insufficient evidence to find a violation of the Civil Rights/Nondiscrimination Policy, the complaint will be closed and the complainant notified of his/her right to pursue the matter with external enforcement agencies. Such a finding does not preclude further review or action by other administrative offices if the underlying conduct could constitute a violation of other College policies and/or where other action is warranted.
7. The Director’s decision is final and not subject to appeal.

### **Possible Sanctions**

1. If the investigation determines that a student has violated the Civil Rights/Nondiscrimination Policy, the student will be formally charged through the Student Code of Conduct. The Director’s investigation results are recommendations to be considered in the Student Code of Conduct process but are not a determination of responsibility under the process.
2. The student(s) will be notified in writing of the conduct charges, as well as the Student Code of Conduct process.
3. A student found responsible in accordance with the Student Code of Conduct will be

subject to appropriate disciplinary sanctions. These sanctions can range from a warning to expulsion depending on the severity of the incident. If the investigation determines that a faculty member has violated the Civil Rights/Nondiscrimination Policy, the matter will be referred for further action pursuant to the faculty disciplinary process. If the investigation determines that a member of staff or administration violated the Civil Rights/Nondiscrimination Policy, the matter will be handled through Mercy Health's Right of Review Policy MHP-HR-1504.0. The Director's investigation results are recommendations to be considered in these additional processes but are not a determination of responsibility under the process. Any faculty, staff, or administrator found responsible for prohibited harassment or discrimination will be subject to appropriate disciplinary sanctions, up to and including termination. The sanctions imposed will depend on the severity of the incident.

### **Prohibition Against Retaliation**

The College prohibits retaliation against any individual that exercises any right under this policy, including filing a discrimination / harassment complaint or participating in any way in the investigation or resolution process. Incidents of retaliation should be reported immediately to the Director of Compliance and Risk Management.