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**Policy Number:** 105

**Date Issued:** Nov. 3, 2017

**Section:** General Administrative

**Revised Date:** as needed

**Title:** Human Dignity Policy

**Review Date:** annually

**Effective Date:** November 3, 2017

**Attachments:** none

**Responsible University Officer:** Provost/Vice President for Learning

**Responsible Office:** Office of Diversity and Inclusion

**Applies to:** Faculty, Staff, Administrators, Students, Vendors, Volunteers, and Visitors

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### I. Policy

Capital University prepares individuals to be knowledgeable, independent, and critical thinkers, educated in leadership, and committed to service in an increasingly diverse society. All members of Capital University are expected to learn how to navigate a diverse society appropriately. As we come to learn and grow together, acts of intolerance may occur and result in harm to others, therefore the university has established this Human Dignity Policy.

Members of the Capital University community must respect all persons regardless of age, ancestry, color, disability, gender identity or expression, genetic information, military status, national or ethnic origin, race, religion, sex, sexual orientation, protected veteran status, or any other characteristic protected by law (hereafter "protected status"). Capital University deems it unacceptable for its students, faculty and staff to engage in conduct (words or actions) that is intended to be, or that is reasonably foreseeable to be, threatening, abusive or intimidating to any member of the university community including students, faculty, staff, guests and contracted services employees.

Conduct that violates this policy typically:

- A. Has the purpose or effect of unreasonably interfering with an individual or individuals' work or educational environment; or
- B. Is directed at an individual or individuals on the basis of their protected status; or
- C. Is abusive or severely humiliating.

Bias incidents and hate crimes are antithetical to the standards and values of the University, violate University policy and, in some instances, state and federal law, and will not be tolerated.

Complaints of such conduct shall be heard and disciplinary action may be taken consistent with the provisions of the student handbook, the faculty handbook, or the administrative and staff handbook.

## II. Policy Details

### A. Academic Freedom and Freedom of Expression

Capital University is a private, non-profit, academic institution. As such, its main functions of teaching, research, practice and learning are protected by academic freedom.

Capital recognizes that excellent education experiences include and must allow for divergent viewpoints and perspectives, some of which may challenge individual beliefs, values, or cultural norms. As a university community, we value and protect academic freedom and the open exchange of ideas. This policy is not intended to undermine or weaken these precepts; rather it is meant to address those incidents that fall beyond professional and academic discourse.

The university faculty adhere to the 1940 Statement of Principles on Academic Freedom and Tenure formulated by the Association of American Colleges and the American Association of University Professors, which states that teachers are entitled to full freedom in their research, and to freedom in the classroom when discussing their subject but should be cautious of controversial or persistently intruding material which has no relation to the teaching subject. Therefore, actions and words used in the context of the academic curriculum and teaching environment, that serve legitimate and reasonable educational purposes will not be evaluated as violations of this policy.

Capital University values freedom of expression within its community as an essential component of open dialogue, the exchange of ideas, and critical thinking, all of which support student learning. However, as a private institution, the constitutional legal standards of the First Amendment do not directly apply.

Nothing in this policy is intended to restrict academic freedom, protected speech, or lawful protest. Yet with freedom comes responsibility for the consequences of our actions, as we live together in a community with standards of conduct and a society with rules of law.

### B. Definitions

- 1. Bias Incident:** Completed, attempted or threatened abusive or hostile acts against persons, property or an institution, where such acts manifest evidence that the target was intentionally selected on the basis of the target's actual or perceived protected status. Includes any hate crimes.
- 2. Bias Harassment:** A Bias Incident that has the purpose or effect of unreasonably interfering with a person's employment or education, or creating a hostile employment or educational environment, and has no legitimate relationship to the subject matter of a course or academic research. In evaluating whether such an environment has been created, the University will consider the alleged conduct from both a subjective and objective perspective. Specifically, it will evaluate the alleged conduct from the perspective of a reasonable person in the target's position, considering all the circumstances.
- 3. Hate Crime:** Criminal homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, intimidation, or destruction/damage/vandalism of property, where such crime manifests evidence that the target was intentionally selected because of the perpetrator's bias related to the target's actual or perceived protected status.

- 4. Protected Status:** Protected status is defined by federal law/executive order, state law, local law, and Capital University policy. It includes age, ancestry, color, disability, gender identity and expression, genetic information, military status, national and ethnic origin, race, religion, sex, sexual orientation, protected veteran status, and any other characteristic protected by law.

**III. Reporting** - Reports of violations of this policy may be made to:

All Campuses:

EthicsPoint (anonymous reporting)

888-238-1063 or

[https://secure.ethicspoint.com/domain/en/report\\_custom.asp?clientid=17194](https://secure.ethicspoint.com/domain/en/report_custom.asp?clientid=17194)

Human Resources

Mark Pringle, Director

614-236-6168

Yochum Hall – lower level

[hr@capital.edu](mailto:hr@capital.edu)

Title IX Coordinator

Dr. Jennifer Speakman

614-236-7127

[jspeakman@capital.edu](mailto:jspeakman@capital.edu)

Bias Education and Response Team

Bexley Campus:

Dean of Students

Jennie Smith

Student Union – 1<sup>st</sup> floor

614-236-6367

[jsmith13@capital.edu](mailto:jsmith13@capital.edu)

Office of Diversity and Inclusion

Almar Walter

Student Union – 1<sup>st</sup> floor

614-236-6181

[awalter@capital.edu](mailto:awalter@capital.edu)

Law School/Columbus Campus:

Assistant Dean for Student Affairs

Robin Goodstein

388 Law School

614-236-6402

[rgoodstein@law.capital.edu](mailto:rgoodstein@law.capital.edu)

Office of Diversity and Inclusion

Branden Smith

384 Law School

614-236-6392

[bsmith10@law.capital.edu](mailto:bsmith10@law.capital.edu)

If the incident involves a possible violation of the University's Sex or Gender Based Harassment, Discrimination and Sexual Misconduct Policy, you may report the incident directly to the University's Title IX Coordinator.

If the incident involves a Hate Crime or presents safety concerns, please contact the Capital Public Safety Department at: 614-236-6666 (located at 661 College Avenue on the Bexley Campus)

Conduct that rises to the level of Bias Harassment is covered by the University's Nondiscrimination, Harassment and Retaliation Policy and will be handled in accordance with that policy.

#### **IV. Resources**

1940 Statement of Principles on Academic Freedom and Tenure (See [www.aaup.org](http://www.aaup.org))

Related Federal, State, and Local Laws:

- Title VII of the 1964 Civil Rights Act (Title VII), as amended: prohibits employment discrimination on the basis of race, color, religion, national origin or sex (including pregnancy);
- Title IX of the Education Amendments of 1972: prohibits discrimination on the basis of sex;
- Title VI of the 1964 Civil Rights Act (Title VI): provides monetary damages in cases of intentional employment discrimination;
- Title I and Title V of the Americans with Disabilities Act of 1990 (ADA), as Amended: prohibits employment discrimination against qualified individuals with disabilities in the private sector, and in state and local governments;
- Equal Pay Act of 1963 (EPA), as amended: protects men and women who perform substantially equal work in the same establishment from sex-based wage discrimination;
- Age Discrimination in Employment Act (ADEA) of 1967, as amended: protects individuals who are 40 years of age or older;
- Title II of the Genetic Information Nondiscrimination Act of 2008: protects applicants and employees from discrimination based on genetic information;
- Ohio Civil Rights Act, Ohio Revised Code Chapter 4112;
- Ohio Fair Employment Practices Act: Ohio Revised Code 4112.01, et seq.
- City of Bexley Code Chapter 637 – Discriminatory Practices; Civil Rights; Disclosure
- City of Columbus Code Chapter 2331 – Discriminatory Practices; Civil Rights; Disclosure

#### **V. Related Policies**

Bias Incident Reporting Protocol

Diversity Statement

Non-Discrimination, Harassment and Retaliation Policy

Sex or Gender-Based Harassment, Discrimination and Sexual Misconduct Policy

#### **VI. History**

Enacted: November 3, 2017 approved by the Board of Trustees