**THE ANTI-HARASSMENT & DISCRIMINATION BYLAW POLICY OF THE UNDERGRADUATE MOCK TRIAL PROGRAM AT THE OHIO STATE UNIVERSITY**

**Land Acknowledgement**

We would like to acknowledge the land that The Ohio State University occupies is the ancestral and contemporary territory of the Shawnee, Potawatomi, Delaware, Miami, Peoria, Seneca, Wyandotte, Ojibwe, and Cherokee peoples. Specifically, the university resides on land ceded in the 1795 Treaty of Greenville and the forced removal of tribes through the Indian Removal Act of 1830. We want to honor the resiliency of these tribal nations and recognize the historical contexts that have and continue to affect the Indigenous peoples of this land.

***Authority***

This Anti-Harassment & Discrimination Policy is adopted pursuant to Article III, Section 10 of the Bylaws of Mock Trial at Ohio State (“MT@OSU”). As such, it carries the full force of MT@OSU’s governing documents and shall be binding on all members, officers, and affiliates of the program. This Policy supplements the MT@OSU Constitution and Bylaws and shall be interpreted consistently with University regulations, applicable law, and the procedures set forth in those governing documents.

**Article I. Commitment to Diversity, Equity, & Inclusion**

**Section 1.** The Ohio State University’s Policy: “The Ohio State University is committed to building and maintaining a diverse community to reflect human diversity and to improve opportunities for all. The university is committed to equal opportunity, affirmative action, 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 a matter of law.” (Source)

**Section 2.** Mock Trial at Ohio State’s Policy: Mock Trial at Ohio State values diversity in all its forms and is committed to creating and maintaining an equitable, inclusive environment. We believe that our unique identities and experiences make us stronger as an organization. It is only by fostering this diversity that we can grow and excel as individuals and as a team. Thus, we seek to live out this principle in every action we take as an organization and as individuals.

**Article II. Protected Groups**

Mock Trial at Ohio State (hereafter referred to as MT@OSU), along with The Ohio State University (hereafter referred to as OSU), does not tolerate discrimination or harassment of any kind against individuals based on age, ancestry, color, disability, gender, gender identity or expression, genetic information, HIV/AIDS status, military status, national origin, pregnancy, race, religion, sex, sexual orientation, protected veteran status, or any other bases under the law.

**Article III. Prohibited Actions**

**Section 1.** OSU’s Policy: “The Ohio State University is committed to building and maintaining a diverse community to reflect human diversity and to improve opportunities for all. The university is committed to equal opportunity, affirmative action, 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 a matter of law.” (Source)

**Section 2.** MT@OSU’s Policy: MT@OSU values diversity in all its forms and is committed to creating and maintaining an equitable, inclusive environment in which all people are treated with dignity and respect. We believe that our unique identities and experiences make us stronger as an organization. It is only by fostering this diversity that we can grow and excel as individuals and as a team. Thus, we seek to live out this principle in every action we take as an organization and as individuals.

**Section 3.** MT@OSU, along with OSU, does not tolerate discrimination or harassment of any kind against individuals based on age, ancestry, color, disability, gender, gender identity or expression, genetic information, HIV/AIDS status, military status, national origin, pregnancy, race, religion, sex, sexual orientation, protected veteran status, or any other bases under the law. In addition, MT@OSU does not discriminate on the basis of political beliefs or affiliations when considering membership eligibility.

**Section 4.** Acts of discrimination or harassment based on membership in a protected group will be subject to this non-discrimination policy. The following prohibited actions will not be tolerated. This list of prohibited actions is not exhaustive, and other actions may be subject to this non-discrimination policy depending on the circumstances.

**Clause A.** Intimidation and implied or overt threats of physical violence motivated by membership in one or more of the protected groups.

**Clause B.** Physical acts of aggression or assault upon another, or damage to another's property that is motivated by membership in one or more of the protected groups.

**Clause C.** Depending on the circumstances and context, demeaning jokes, taunting, slurs and derogatory "nicknames," innuendos, or other negative or derogatory remarks of a hateful nature relevant to one or more of the protected groups. This includes nonverbal gestures or similar displays.

**Clause D.** Depending on the circumstances and context, graffiti and/or slogans or visual displays such as cartoons or posters depicting slurs or derogatory sentiments towards one or more of the protected groups.

**Clause E.** Depending on the circumstances and context, excluding a person or persons from participating in an activity or event based on membership in one or more of the protected groups.

**Clause F.** Criminal offenses directed at persons because of membership in one or more of the protected groups.

**Section 5.** MT@OSU will not in any instance tolerate bullying behavior. MT@OSU defines bullying as repeated, health-harming mistreatment of one or more people by one or more perpetrators. It is abusive conduct that includes: threatening, humiliating or intimidating behaviors; work interference/sabotage that prevents work from getting done; and verbal abuse. Such behavior violates Article III, Section II of this Constitution, which clearly states that all members will be treated with dignity and respect.

**Section 6.** In accordance with Article III, Section 5 of this Constitution, acts of bullying - including those which are NOT based on membership in a protected group - will also be subject to this non-discrimination policy. The following prohibited actions (refer to Clauses A through D of Article III, Section 6) will not be tolerated. This list of prohibited actions is not exhaustive, and other actions may be subject to this non-discrimination policy depending on the circumstances.

**Clause A.** Verbal bullying, which we define as: slandering, ridiculing or maligning a person or their loved ones; persistent name-calling that is hurtful, insulting or humiliating; using a person as the butt of jokes; and abusive and offensive remarks.

**Clause B.** Physical bullying, which we define as: pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, and damage to a person's property.

**Clause C.** Gesture bullying, which we define as: nonverbal gestures that can convey threatening messages.

**Clause D.** Exclusion, which we define as: socially or physically excluding or disregarding

a person in program-related activities. Of course, this definition does not prevent members from spending time together individually or as a small group outside of program-related activities, as this would be an unreasonable and unfair expectation.

**Section 7.** The aforementioned acts (refer to Article III, Section 4) are prohibited in all situations involving MT@OSU, including: MT@OSU messaging channels, MT@OSU meetings, MT@OSU-sponsored events, MT@OSU social media accounts, and all other platforms involving MT@OSU. They are also prohibited in all interactions with members, coaches, advisors, and others who are associated with MT@OSU or with other AMTA programs. Finally, they are prohibited in all situations in which members of MT@OSU are serving as representatives of the program, whether in an official or an unofficial capacity.

**Section 8.** Additionally, the MT@OSU Executive Board, hereafter referred to as the “E-Board,” and the program’s coaches reserve the right to determine if any outside activities by MT@OSU members may breach this non-discrimination policy and are grounds for an investigation. MT@OSU members are strictly forbidden from engaging in any prohibited activities (refer to Article III, Section 4), even in a personal or professional capacity. That includes “retweeting” or otherwise sharing statements from outside sources which violate this policy; this refers to the content of the “retweet” itself, not the person or group being “retweeted”. This non-discrimination policy is retroactive for public or private incidents involving MT@OSU members on a case-by-case basis.

**Section 9.** Any member who wishes to report an instance of discrimination or harassment by another member may do so by contacting the Vice President of Diversity & Inclusion (refer to Article V, Section 9). They may also contact another member of the E-Board or a coach, if needed. The MT@OSU member does not have to be the intended target of a harassment or discrimination incident in order to report it.

**Article V. How to Report a Breach of Policy**

**Section 1.** If one or more members feels that themselves or another member has been discriminated against or harassed, they may contact the Vice President (hereafter referred to as the VP) of Diversity & Inclusion or another member of the Executive Board (hereafter referred to as the E-Board) to file a complaint.

**Clause A.** Regardless of which E-Board member a complaint is filed with, the VP of Diversity & Inclusion will be notified.

**Article VI. Investigation Process**

**Section 1.** The VP of Diversity & Inclusion will notify all E-Board members of the details of the complaint. E-Board will then vote on whether to open an investigation into the alleged incident. An investigation will only be launched if the vote passes by at least a simple majority. If it passes, the president, if not the VP of Diversity & Inclusion, will notify the head coach (only the head coach) and the relevant parties involved that a complaint has been filed against a member or members of the program, and the parties involved.

**Section 2.** An investigation into the alleged incident will be conducted by interviewing involved parties. This investigation may be conducted by the E-Board or the Head Coach.

**Section 3.** Any interviews should be conducted in a timely fashion.

**Section 4.** After interviews, or any other appropriate information gathering activities, are completed, the E-Board will be made aware of the findings in whatever form is deemed most expedient.

**Section 5.** After the E-Board is made aware of the findings, pursuant to Article XII of the Constitution, the E-Board will vote on whether a breach of this policy occurred that is sufficient to warrant removal from the program. If 6/7 E-Board members vote that a breach warranting removal has occurred, a recommendation for removal shall be sent to the head coach in whatever form is deemed most expedient. If less than 6/7 of the E-Board votes that such a breach occurred, then no recommendation shall be sent. The final decision to remove a member lies with the Head Coach.

**Section 6.** If the E-Board determines that one or more breaches of policy have occurred, they may choose to submit an alternative recommended course of action to the Head Coach other than removal, if so desired.

**Section 7.** Note: If the E-Board wishes to remove an E-Board member from their position, or demote/remove a coach, they must follow the procedure outlined in Article X and XI of the MT@OSU Constitution.

**Article VIII. Publication of Findings**

**Section 1.** In the event that the E-Board determines that a breach of policy has occurred, an official statement may be sent out to all members of the group stating: what the breach of policy

was, why it was a breach of policy, what action was taken, and how to prevent further incidents like it.

**Section 2.** In the event that the E-Board determines that a breach of policy has not occurred, it is up to the E-Board to determine if a statement should be sent out to all members of the group stating: what the alleged breach of policy was, how it could have been seen as a breach of policy, why it was determined that it was not a breach of policy, and how to prevent further incidents like it.

**Article IX. Preserving Privacy**

**Section 1.** Reasonable efforts should be taken to preserve the privacy of the complainant(s), witnesses, respondent(s), and other parties involved in an investigation.

**Section 3.** Any individual with knowledge of the identities of those involved in the complaint must not allow this knowledge to influence the investigation.

**Article X. Recusal Procedure**

**Section 5.** If an E-Board member or coach has a potential conflict of interest, they may choose to participate in the investigation process for a complaint, or they may voluntarily recuse themselves. However, they must disclose this potential conflict of interest to the rest of the E-Board or head coach, and the other E-Board members or head coach coache may ask them to step back from the investigation.

**Article XI. Responsibilities of Elected/Appointed Officials**

**Section 1.** If a member discloses to an elected/appointed official that they have experienced or witnessed harassment or discrimination perpetrated by a member of MT@OSU, the member consents to the elected/appointed official reporting this claim to the E-Board and/or Head Coach, or other coaches as appropriate.

**Article XIII. Criminal Acts**

**Section 1.** Any MT@OSU member who is arrested on suspicion of, charged with, or convicted of a crime while they are in this program must disclose this information to the VP of Diversity & Inclusion or another E-Board member. Failure to disclose this information in a timely manner may result in suspension or removal from the program.

**Section 2.** Depending on the circumstances surrounding the allegations, a member who is suspected of committing criminal acts may be suspended or removed from the program. Such drastic actions should only be taken in situations where the member’s continued participation in the program poses a credible and ongoing risk to one or more members of the program.

**Section 3.** Any member who is found guilty of sexual misconduct by OSU’s Title IX Coordinator, a court of law, or another official body will be automatically removed from the program.

**Section 4.** This policy may be applied retroactively.

**Article XVI. Responsibilities & Privileges of MT@OSU**

**Section 1.** All elected and appointed officials of MT@OSU are expected to uphold and enforce this policy at all times.

**Section 2.** All members of MT@OSU are expected to adhere to this policy at all times.

**Section 3.** MT@OSU reserves the right to modify this policy at any time, for any reason, with or without prior notice.

**Clause A.** In the event that MT@OSU modifies this policy, the new policy will be made available via the MT@OSU Google Drive.

**Section 4.** The E-Board and Head Coach shall have a wide latitude in interpreting and carrying out this policy, to ensure the efficient functioning of the program, timely handling of issues, and fairness to all parties involved.