



Ohio Administrative Code

Rule 3337-40-01 Equal employment and educational opportunity.

Effective: June 23, 2016

The version of this rule that includes live linksto associated resources is online at

<https://www.ohio.edu/policy/40-001.html>

(A) Overview

There shall be no discrimination against any person in employment or educational opportunities because of race, color, religion, age, ethnicity, national origin, national ancestry, sex, pregnancy, gender, gender identity or expression, sexual orientation, military service or veteran status, mental or physical disability, or genetic information, except as explicitly provided for in this policy.

University faculty, staff, students, or volunteers may not retaliate against a person who has made a protected disclosure under this policy.

(B) Prohibited conduct

(1) Discrimination

Discrimination occurs when a person or group of people are denied rights, benefits, equitable treatment, or access to programs or facilities available to all others because of membership in a protected class. Members of protected classes have historically been denied access to or are underrepresented in educational and employment opportunities and are protected from discrimination by federal and state civil rights law, or university policy as listed in part (A) of this policy.

(2) Harassment

Harassment is defined as conduct that is directed towards a person or a group of persons on the basis



of any protected class listed in part (A) of this policy, that is:

(a) Severe enough to deny or limit participation in or full benefit of employment or educational opportunity at Ohio university; or

(b) Severe or pervasive enough to create a work or educational environment that a reasonable person would consider intimidating, hostile, or abusive.

Ohio university recognizes harassment as a form of unlawful discrimination that can be a barrier to access to educational or employment opportunity.

(3) Sexual misconduct

Ohio university's policy on sexual misconduct, including sexual harassment, is set forth in policy 03.004.

(4) Retaliation

Retaliation is defined as adverse action or threat of an adverse action taken by the university, or member thereof, in response to a person who, in good faith, makes a protected disclosure under this policy by: reporting suspected discriminatory or harassing conduct to a supervisor or appropriate university official; filing a complaint under federal or state law or university policy that prohibits discrimination or harassment; participating in an investigation or proceeding under this policy; or opposing educational or employment practices that the person reasonably believes discriminate against persons or groups of people in violation of university policies. University faculty, staff, students, or volunteers may not directly or indirectly use or attempt to use the official authority or influence of their positions or offices for the purpose of interfering with the right of a person to make a protected disclosure to the person's immediate supervisor or other appropriate administrator or supervisor within the operating unit, or other appropriate university official about matters within the scope of this policy.

(5) Limitations of scope



Petty slights, annoyances, and isolated incidents (unless severe) of rude, uncivil, or non-collegial behavior will generally not rise to the level of violation of policy and should be addressed to a supervisor. The legitimate exercise of supervisory authority, including oversight, evaluation, and requiring adherence to standards of performance, conduct, and safety, shall not be considered discrimination, harassment, or retaliation under this policy.

(C) Policy application

(1) Responsibility

It is the responsibility of all members of the university community faculty, staff, and students to create and maintain an employment and educational environment that is free of discrimination. The responsibility of overseeing the university's compliance with this policy has been delegated by the president of the university to the director of equity and civil rights compliance. The office of equity and civil rights compliance ("ECRC") is responsible for investigating all complaints of discrimination and harassment that are based on any status protected by federal or state law, or university policy listed in part (A) of this policy, and for complaints of retaliation as it relates to this policy as described in part (B)(4) of this policy.

(2) Right to file a complaint

Any member of the university community who believes that he or she has been discriminated against or harassed on the basis of any status protected by federal or state law, or university policy listed in part (A) of this policy, may file a complaint with the ECRC. Any person who believes that he or she has been retaliated against for a protected disclosure under this policy may report to the ECRC.

(3) Cooperation with investigation

A complainant is expected to actively provide information that will support his or her complaint in the time and manner deemed necessary and appropriate by the university to conduct the investigation. Failure to cooperate with the investigation process in a timely manner may compromise the university's ability to conduct an investigation and address allegations fully. Third parties may file a complaint on behalf of a person whom they believe has been adversely affected by



conduct in violation of this policy. All employees and students are required to participate and cooperate with investigations as required by the ECRC.

Information received in connection with the filing, investigation, and resolution of allegations will be treated as confidential except to the extent it is necessary to disclose particulars in the course of the investigation or when compelled to do so by law. All persons involved in the process should observe the same standard of discretion and respect for the privacy of persons involved in the process.

(4) Anonymous complaints

Anonymous complaints will be accepted; however, Ohio university may be limited in its ability to investigate or resolve anonymous complaints because our ability to obtain additional information may be compromised.

If the anonymous complaint contains sufficiently detailed information about conduct that would constitute a crime, then the complaint will be forwarded to the Ohio university police department. If the anonymous complaint contains sufficiently detailed information about conduct that would constitute a violation of this policy, the ECRC will exercise due diligence to address the concerns identified with the affected planning unit. For more detailed information on how a harassment complaint or report will be investigated or resolved, contact the ECRC.

(5) Student conduct

Some conduct described in this policy may also be subject to educational disciplinary processes pursuant to Ohio university's "Student Code of Conduct" as set forth at <https://www.ohio.edu/communitystandards/>.

(D) Affirmative action

Ohio university will provide equal employment opportunities to all persons who possess appropriate qualification for employment. In addition, it is the policy of the university to undertake affirmative action to promote equal opportunity for employment, consistent with its obligations as a federal contractor, for minorities and women, for persons with disabilities, and for covered veterans. In



conformance with federal regulations and Ohio university's affirmative action statement, an annual written affirmative action plan shall be prepared and maintained by Ohio university and made available for public inspection.

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