



Ohio Administrative Code

Rule 3342-6-02.1 Administrative policy and plan regarding affirmative action.

Effective: March 1, 2015

(A) Policy statement. This affirmative action plan is adopted, and shall be maintained and implemented, pursuant to paragraph (B) of rule 3342-6-02 of the Administrative Code, and of this register, the equal opportunity policy promulgated by the board by resolution of October 4, 1979.

(B) Establishment of responsibilities for conduct of the affirmative action program.

(1) The president of the university, as chief executive officer, shall have overall responsibility for effective implementation of this affirmative action plan and shall exercise general oversight of such implementation.

(2) The vice president for human resources shall have special responsibility in the implementation of this affirmative action plan, and shall assure pursuit of the president's instructions in the interest of effective implementation.

(3) The office of affirmative action in the division of human resources and under supervision of the vice president for human resources shall be the principal administrative office for effective implementation of this affirmative action plan throughout the university. Responsibilities of the office of affirmative action shall include the following:

(a) Provisions, for benefit of all departments of the university, of professional expertise in the appropriate and lawful techniques of affirmative action; in current developments in the field of affirmative action; and in the requirements of law governing affirmative action.

(b) Provision of the specific staff services hereinafter required, including dissemination of policy; work force and major job group analyses; ascertainment of availability of women, members of minority groups, persons with disabilities, disabled veterans, and veterans of the Vietnam era, for possible employment, promotion or transfer; analyses of the utilization of women, members of minority groups, persons with disabilities, disabled veterans, and veterans of the Vietnam era; design



and implementation of appropriate audit and reporting systems; participation as hereinafter provided in the resolution of grievances and complaints; preparation of external reports and responses as may be required by law; and annual status and progress reports to the president.

(c) Provisions of liaison, monitoring, and implementation services, in consultation with other departments of the university, including development and execution of action-oriented programs; development and pursuit of goals and timetables, as hereinafter provided; access to education and training programs whereby personnel might improve their capability of advancement in the university; application of the university's equal opportunity policy in all personnel actions; and verifications of policies and practices of unions, contractors, and vendors having dealings with the university, as may be required by law.

(d) Procurement of reports from other units of the university, for purposes of auditing and reporting systems authorized elsewhere in this plan; and collation, publication, submission, and/or dissemination of contents of such reports, as may be required by laws, regulations, or university policies to ensure that the equal opportunity policy is carried out.

(e) Individuals are encouraged to contact the office of affirmative action to obtain information concerning the university's equal opportunity and affirmative action policies and procedures.

(4) There shall be a university diversity advisory council (UDAC) consisting of: the chair of each of the regional diversity advisory committees (seven); appointed representative of each college (six); representatives of each of the administrative divisions (five) human resources (office of equal opportunity and affirmative action), administration, university relations and development, information services, enrollment management and student affairs; one appointed representative of the faculty senate; and one student representative. The specific duties of the UDAC are set forth in its bylaws. The UDAC will meet at least three times during the academic year.

(5) There shall be an affirmative action facilitator in each vice presidential division, designated by his or her respective vice president. Each such facilitator shall be responsible for liaison between the division and the office of affirmative action, and for dissemination of information and submission of reports to the director of the office of affirmative action and to the respective vice presidents.



(6) Each unit head or administrator having supervisory responsibility, from the level of departmental chairperson or administrative unit director upward, shall be specifically responsible for implementation of the equal opportunity policy of the university, and of those elements of this affirmative action plan lying within the administrative purview of his or her unit, especially including but not limited to nondiscrimination in employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination, rates of pay or other forms of compensation; selection for training, including apprenticeship; and posting and other forms of dissemination of the equal opportunity policy and other appropriate information among personnel of the unit.

(C) Internal and external dissemination of the equal opportunity policy and the affirmative action plan.

(1) The substantive content of the equal opportunity policy, and such elements of the affirmative action plan as may be deemed appropriate, shall be posted continuously at each principal posting location in each building on each campus. In addition, so shall be posted all applicable federal and state civil rights posters, as required under law.

(2) Each unit head or administrator having supervisory responsibility as identified in paragraph (C)(6) of this rule, shall be reformed at least once each year of the equal opportunity policy; of the affirmative action plan and procedures pursuant thereto; and of any needed updating relative to such policy and plan. Each such unit head or administrator also shall inform each new employee of the equal opportunity policy and affirmative action plan.

(3) The university's equal opportunity policy and affirmative action plan shall be published and generally disseminated in the university community; be republished and from time to time as necessitated by amendment or updating; and communicated so that employees can know of and avail themselves of its benefits.

(4) The university's identity as an equal opportunity employer shall be imprinted upon all documents, publications, and advertisements having specific relevance to equal opportunity in employment or used in recruitment of employees.



(5) The external communications program of the university shall include special efforts to inform the general public, unions, professional associations, and especially the potential sources of recruitment from among women, minorities, persons with disabilities, and veterans, about the equal opportunity policy and affirmative action program.

(6) Communications will be maintained with minority, women, veterans, and vocational rehabilitation groups, making university opportunities known to them and seeking referrals from them. Referrals from these and other sources will be internally communicated and, insofar as is feasible, records of such referrals and their ultimate results will be kept and analyzed from time to time. Insofar as is feasible, university representatives will participate in community programs designed to publicize employment opportunities and will utilize such participation for dissemination of notice of opportunities in the university.

(D) Annual reports of status and progress; work force analyses; analyses of major job groups; appraisals of labor force utilization.

(1) The office of affirmative action shall compile and submit to the vice president for human resources annual reports of the status and progress of the program.

(2) Report shall include, but not limited to, annual analyses of the university work force, and of major job groups, and of the utilization of the available labor force with special reference to women and members of minority groups who are qualified in terms of job-related position specifications in the university. Procedures in preparation of this annual report shall include, but not be limited to, the following:

(a) Each department or unit shall detail the race, gender, and ethnic status of employees within all job titles in the department or unit, ranked from lowest paid to highest paid.

(b) Utilizing labor-availability data provided by the office of affirmative action, each department or unit will present statistical analysis showing the rate of utilization of qualified women and members of minority groups in each major job group.

(c) After compilation of departmental and unit data, university-wide, the office of affirmative action



shall incorporate in the annual report an appraisal of the utilization of available qualified women and members of minority groups, university-wide, by major job groups, and by department or unit.

(E) Development and pursuit of goals and timetables

(1) Apart from the annual report of work force and job group analyses, but with benefit of data therein, the university shall maintain an annually updated set of goals and timetables for progress in affirmative action.

(2) Recommended updated goals and timetables shall be developed by the director of the office of affirmative action and shall be subject to approval of the vice president for human resources.

(3) Goals may not be rigid and inflexible quotas which must be met, but must be targets reasonably attainable by means of applying good faith effort to make all aspects of the entire affirmative action program work.

(4) In establishing timetables to meet goals and commitments, the university will consider the anticipated expansion, contraction, and turnover in the work force, by the department or unit, by major job group, and university-wide.

(5) The university, and each of its departments and units, will annually identify particular opportunity areas in which statistical experience shows special opportunity or need for improved affirmative action. Toward this end each department or unit head will consult with the director of the office of affirmative action, drawing upon recorded experience in personnel actions of the department or unit.

(F) Equality of access to educational and training opportunities.

(1) Subject to availability of resources, the university will provide training and educational programs for advancement of the qualifications of employees. Women, members of minority groups, persons with disabilities, disabled veterans, and veterans of the Vietnam era will be encouraged to avail themselves of such programs where applicable.



(2) Availability of employee training and educational programs will be communicated by posting appropriate notices.

(3) Eligibility requirements for participation in employee training and educational programs shall be related to the purposes and goals of such programs respectively, and shall not be designed to exclude or inhibit participation by women, members of minority groups, persons with disabilities, disabled veterans, or veterans of the Vietnam era.

(G) Application of equal opportunity policy in all personnel actions.

(1) Recruitment.

(a) In all recruitment activities, effort will be made to attract numbers of candidates including qualified persons for whom equality of opportunity is especially sought by the equal opportunity policy, so that fair consideration can be given to them. As may be feasible, candidates will be sought from sources, institutions, or publications through which such qualified candidates might be expected to be located and informed of the job opportunities at all levels.

(b) Human resources will serve as the central recruiting office for classified civil service employment and will apply the principles specified in paragraph (F)(1)(a) of this rule in recruitment of personnel into such employment and in referrals of candidates to appointing officers.

(c) Other units, departments, and appointing authorities in the process of recruitment of non-classified civil service, faculty, and other contract personnel, will also apply the principles specified in paragraph (G)(1)(a) of this rule.

(d) In order to maintain capability of evaluation of recruitment processes, records will be kept on the history of each recruitment, sufficient to indicate whether, in what manner, and to what extent the provisions of paragraphs (G)(1)(a), (G)(1)(b), and (G)(1)(c) of this rule have been pursued. Records will include, for each applicant, name, gender, race, religion, national origin, disability (optional), armed forces service, referral source, and disposition of application. These records shall be retained for a minimum of three years.



(e) The university will regularly publish and widely disseminate throughout the internal university community, full information about current job opportunities in the university, so that all employees, including women, members of minority groups, persons with disabilities, disabled veterans, and veterans of the Vietnam era, as well as others, will have knowledge and therefore opportunity to compete for such announced positions.

(2) Selection for employment.

(a) Applicants for job openings will be considered on a basis of qualifications only as those qualifications relate to job related selection criteria.

(b) Reasonable records will be kept on the history of each employment, sufficient to indicate whether, in what manner, and to what extent the principles specified in paragraph (G)(2)(a) of this rule have been applied. Such records will reflect, but not be limited to, the specific basis on which one candidate was offered appointment in reference to all others. Such records will include, with respect to each employment, a recruitment profile completed by the appointing unit in consultation with the director of the office of affirmative action. The recruitment profile will include or reflect the position description, application forms, interview processes and/or test administration, and final selection process.

(c) All applications for regular positions will be retained for a minimum of three years. All applications for temporary positions will be retained for three years. From these and other sources, departments and the office of affirmative action will maintain files of potential candidates as a further resource for future recruitment, available to all units of the university.

(d) The director of the office of affirmative action will monitor the flow of appointments and of their respective recruitment profiles, and will counsel officers of the university and department and unit heads, especially with reference to areas of operations where major opportunity for improvement or simplification of processes emerges. Job criteria will be reviewed as necessary to guard against invalid disproportionate rejection of candidates by racial or ethnic groups or by gender.

(3) Job assignment. Candidates accepted for appointment will be assigned to positions for which they are qualified without reference to age, race, religion, color, gender, sexual orientation, national



origin, disability, or identity as a disabled veteran or veteran of the Vietnam era.

(4) Testing.

(a) Applicants who are required to pass a test to be considered for employment, job assignment, transfer or promotion will be advised of the achievement requirements insofar as rigid requirements for passing are imposed, and will be informed of their test results.

(b) Results of tests taken by persons hired will be recorded in each such person's file.

(c) Tests and standards of passing shall not, inadvertently or otherwise, be such as to result in unlawful discrimination, and will be reviewed wherever evidence is found that such unlawful discrimination might be occurring.

(5) Promotion.

(a) Records shall be maintained, and updated annually, whereby the lateral and/or vertical movement of employees can be ascertained and evaluated with special reference to equality of opportunity for promotion.

(b) Formal promotion procedures shall be maintained to ensure equality of opportunity for promotion. Promotion procedures for academic personnel shall be those specified by the board elsewhere in the official policies of the university. Bases for promotion of nonacademic employees shall include but not be limited to the employee performance record; the demonstrated qualification of the employee to perform successfully in the more advanced position; and also, as may be allowable under law and regulations, length of service. Policies and procedures governing promotion and tenure shall conform to the university's equal opportunity policy and shall be implemented pursuant to this affirmative action plan. Such policies and procedures shall be reviewed from time to time to this end.

(c) Labor agreements between the university and unions or professional organizations, insofar as they apply to promotions as well as to other matters, shall conform to law both as to content and implementation.



(6) Layoffs and terminations.

(a) Unlawful discrimination shall not be the basis for layoff or termination of employment of any employee.

(b) In the event of any substantial and necessarily planned reductions in force, the university will prepare such plans with reference to the equal opportunity policy, in addition to other factors; and all reasonable and lawful steps will be taken to assure that no layoff or termination occurs on a basis of age, race, religion, color, gender, sexual orientation, national origin, disability, or identity as a disabled veteran or veteran of the Vietnam era. As to persons covered under a collective bargaining agreement, the lawful terms of the agreement regarding layoff and termination shall prevail.

(c) The director of the office of affirmative action will be available, upon employee request, to counsel affected employees as to appropriate and lawful steps whereby adverse effects upon the employee's occupational and economic security might be mitigated, insofar as personnel and other resources of the director's office can sustain such counseling.

(7) Salary and fringe benefits.

(a) No award of salary or fringe benefits to any employee shall be on a differentiated basis of unlawful discrimination as to age, race, color, religion, gender, sexual orientation, national origin, disability, or identity as a disabled veteran or veteran of the Vietnam era.

(b) Each department or unit of the university will review periodically the salary and fringe benefit status of all of its employees, with special reference to reassurance that no unlawful discrimination exists between individual employees in equivalent positions with comparable qualifications, experience, responsibilities, and performance levels. Work force analyses prepared pursuant to paragraph (D) of this rule will include these data. Remedies proven to be needed will be made, pursuant to law and subject to availability of resources.

(8) Terms and conditions of employment.



(a) There shall be no unlawful discrimination as to the terms and conditions of employment, on a basis of age, race, color, religion, gender, sexual orientation, national origin, disability, or identity as a disabled veteran or veteran of the Vietnam era. For purposes of this rule, terms and conditions of employment shall include but not be limited to such factors as working environment, educational and training opportunities, research opportunities, use of facilities, opportunities for participation in professional discourse or deliberative processes, or attendance requirements.

(b) Subject to law and regulations, women will not be specially penalized in their conditions of employment because of pregnancy or childbirth. Reasonable leaves of absence for these purposes will be considered on the same basis as leaves of absence without pay for other valid purposes as provided under official policies of the university; and maintenance of seniority or other fringe benefits shall be on the same basis as in the case of such other officially authorized leaves of absence.

(c) The university policy regarding nepotism shall be administered on a nondiscriminatory basis, pursuant to the equal opportunity policy.

(H) Design and implementation of appropriate audit and reporting systems.

(1) Appropriate equal opportunity records shall be kept, and reports rendered, as required above in paragraph (D) of this rule, work force analysis and annual report to the president; paragraph (E) of this rule, goals and timetables; paragraph (G) of this rule, personnel actions; and otherwise as may be directed by the president. The director of the office of affirmative action shall have primary responsibility for design and scheduling of such records and reports, subject to appropriate supervision by the vice president for human resources, and in appropriate consultation with other university officers, and department and unit heads.

(2) Records shall be kept, and reports rendered externally, pursuant to laws calling for such records and reports.

(3) In the event of a filing of a formal complaint, and/or enforcement procedures in individual cases, records of such cases shall be maintained continuously and kept until final disposition of such cases, and for such further periods as may be required under law.



(I) Verification and reporting; equal opportunity policies and practices of unions and contractors having dealings with the university.

(1) The university will send notice to each labor union or representative of workers having a collective bargaining agreement or contract with the university, advising the labor union or workers; representative of its obligations under laws and regulations pertaining to equal opportunity, and of the university's equal opportunity policy. All contracts shall conform to law and to the university's equal opportunity policy.

(2) The university will send, through its purchasing department or other appropriate officer, a notice equivalent to that prescribed in paragraph (I)(1) of this rule to vendors and contractors engaging in transactions with the university, also advising such vendors and contractors of responses that may be required of them under law.

(3) The vice president for administration shall have responsibility for procurement, from contractors or vendors of appropriately executed nondiscrimination statements, with copies sent to the office of affirmative action, as may be required by law; and will maintain files, available for inspection, of all notices and executed statements rendered pursuant to paragraph (I) of this rule.

(4) University officers responsible for contractual dealings with contractors or vendors will maintain rosters or directories of minority enterprises, as defined by law; and will, pursuant to law, enable such enterprises to compete for opportunities to sell goods and services to the university.

(J) Provision for resolution of complaints and grievances.

(1) The university maintains formal grievance procedures, pertaining to a variety of potential bases of grievance, available to faculty and staff, elsewhere in its officially published policies. Whenever any such formal grievance or complaint is filed, and consist of or includes alleged discrimination in violation of the equal opportunity, the procedure also shall include notification to the office of affirmative action. In such an instance, the director of the office of affirmative action will separately examine the element or elements of the grievance alleging discrimination, and will make the results of such examination known to the vice president for human resources with a copy to the appropriate



sector vice president or other appointing authority, before final disposition of the grievance.

(2) In any instance in which a complainant files a complaint with a governmental agency of competent jurisdiction, alleging discrimination in violation of valid laws and regulations, and in which the university is officially notified of such complaint, the complaint shall be examined by the director of the office of affirmative action. In instances requiring external response including more than routine rendering of data of public record, there shall be consultation with the appropriate divisional facilitator, and the president, before formal response.

(K) Special provisions relative to persons with disabilities. The section set forth below as well as the other sections contained in this rule are intended in good faith to incorporate sections 503 and 504 of the Rehabilitation Act of 1973, the American Disabilities Act of 1990, and other relevant federal, state and local regulations as required by law.

(1) The director of the office of affirmative action is designated as the compliance coordinator for purposes of compliance with law applicable to persons with disabilities.

(2) Special care will be taken to ensure that employment practices and criteria are job related and do not needlessly have the effect of excluding the person with a disability from consideration. To this end the vice president for human resources, and where appropriate, the office of faculty affairs, in consultation with the director of the office of affirmative action, will periodically review position employment practices and criteria.

(3) Pursuant to law, and subject to further provisions set forth below, the university will not discriminate against any employee or applicant for employment because of disability, as defined, in regard to any position for which the employee or applicant for employment is qualified; and generally will apply the affirmative action program on behalf of persons with disabilities as well as other groups affected by the equal opportunity policy.

(a) Has a physical or mental impairment which substantially limits one or more major live activities;

(b) Has a record of such impairment;



(c) Is being regarded as having such an impairment.

(4) Pursuant to law, and subject to further provisions set forth below, the university will not discriminate against any employee or applicant for employment because of disability, as defined, in regard to any position for which the employee or applicant for employment is qualified; and generally will apply the affirmative action program on behalf of persons with disabilities as well as other groups affected by the equal opportunity policy.

(5) The university will make reasonable accommodation to the known limitations of a qualified disabled applicant or employee. In determining of what does or does not constitute reasonable accommodation, the elements of business necessity, financial cost, any resulting personnel problems, undue hardship on the program, and the safety or health of those employees adversely affected, among others, may be considered.

(6) The university may inquire into an applicant's ability to perform job-related tasks effectively and safely, and into the extent and status of disability, provided that information given regarding disability shall be voluntary and shall be kept confidential except as provided in this rule.

(7) The university may require medical examination of any employee or of any applicant who has been conditionally offered employment. Such examination shall not result in unlawful discrimination on the basis of disability and the results shall be held confidential except as provided in this rule.

(8) Information obtained by a required medical examination, or by inquiries into applicants' or employees' physical and mental conditions shall be kept confidential except that supervisors shall be informed regarding restrictions on the work duties of persons with disabilities and any reasonable accommodations required; and except as first aid and safety personnel need to be informed; and except as compliance reporting under law requires inclusion of such information.

(9) For affirmative action purposes, all employees and applicants for employment are given opportunity to identify themselves as persons with disabilities. For such purposes, all applicants for employment will have opportunity to submit a completed form, so identifying themselves, to the office of affirmative action and the personnel department, on a voluntary basis, in order to avail themselves of benefits of the affirmative action program.



(10) Prior to filing a complaint with an external agency, it is recommended that an individual exhaust the administrative internal complaint of discrimination procedure in the office of affirmative action. External agencies include but are not limited to the Ohio Civil Rights Commission, Equal Opportunity Commission, The Department of Education, and the Department of Labor, Office of Federal Contract Compliance Programs."

(L) Special provisions relative to disabled veterans and veterans of the Vietnam era. The section set forth below, as well as the other sections contained in this rule, are intended in good faith to incorporate sections 503 and 504 of the Rehabilitation Act of 1973, the American Disabilities Act of 1990, The Vietnam Era Veterans Readjustment Assistance Act of 1974, and other relevant federal, state and local regulations as required by law.

(1) The director of the office of affirmative action is designated as the compliance coordinator for purposes of compliance with law applicable to disabled veterans and veterans of the Vietnam era. The director of affirmative action, will annually review employment matters including but not limited to: factors used in the hiring and promotion process, work force goals, and statistics.

(2) The offices of affirmative action, the human resource division, and where appropriate, the office of faculty affairs, in consultation, will serve to establish and coordinate reasonable accommodation to those disabled veterans requesting such accommodations.

(3) For purposes of the policy the following terms are defined:

(a) "Disabled veteran" is defined as a person entitled to disability compensation under laws administered by the veterans administration for disability rated at thirty per centum or more, or a person whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty.

(b) "Qualified disabled veteran" is defined as a disabled veteran as defined in 41 Code of Federal Regulations, chapter 60-250.2, who is capable of performing a particular job, with reasonable accommodation to his or her disability.



(c) "Veteran of the Vietnam era" is defined as a person who:

(i) Served active duty for a period of more than 180 days, any part of which occurred between August 5, 1964, and May 7, 1975, and was discharged or released therefrom with other than a dishonorable discharge, or

(ii) Was discharged or released from active duty for a service-connected disability if any part of such active duty was performed between August 5, 1964, and May 7, 1975.

(4) Kent state university will not discriminate against any employee or applicant for employment because he or she is a disabled veteran or veteran of the Vietnam era in regard to any position for which the employee or applicant for employment is qualified.

(5) The university will take affirmative action to offer employment, employ, advance in employment, and otherwise treat qualified disabled veterans and veterans of the Vietnam era without discrimination based upon their disability or veterans status in all employment practices such as the following: employment upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training.

(6) The university lists all non-student employment openings with a salary basis of less than twenty-five thousand dollars per year and which are not restricted to internal applicants, with the Ohio department of job and family services. Local offices of the bureau will be on the mailing lists of university publications announcing vacancies in the university.

(7) The university's employment practices will be conducted in a manner consistent with all legally binding contractual agreements, collective bargaining agreements, regulations, and statutes.

(8) For affirmative action purposes, all employees and applicants for employment are given opportunity to identify themselves as disabled veterans and veterans of the Vietnam era. For such purposes, all applicants for employment will have opportunity to submit a completed form, so identifying themselves, to the office of affirmative action, on a voluntary basis, in order to avail themselves of benefits of the affirmative action program.



(9) In determining the qualifications of a covered veteran, the university shall consider that portion of the military record, including discharge papers, relevant to the specific job qualifications for which the veteran is being considered.

(10) Information obtained by a required medical examination or inquiries into applicants' or employees' physical or mental conditions will be kept confidential except that supervisors shall be informed regarding restrictions on the work duties of the disabled veterans and regarding accommodations; and except as first aid and safety personnel need be informed of conditions which might require treatment; and except as compliance reporting under law requires inclusion of such information.

(11) In determining the extent of the university's obligation to make reasonable accommodation to the physical or mental limitations of a disabled veteran, the following factors among others may be considered: business necessity, financial cost, and safe performance of the job.

(12) In addition to generally applicable features of the affirmative action recruitment program, the university will undertake appropriate outreach and positive recruitment activities to recruit qualified disabled veterans and veterans of the Vietnam era; and will enlist and support appropriate recruiting sources such as the local veterans' employment representative, the veterans administration, veterans' service groups, campus veterans' counselors and coordinators, and veterans' organizations.

(13) The director of the office of affirmative action and the vice president for human resources are available to provide guidance, information, direction, and counseling to all university employees including disabled veterans and veterans of the Vietnam era.

(14) Prior to filing a complaint with an external agency, it is recommended that an individual exhaust the administrative internal complaint of discrimination procedure in the office of affirmative action. External agencies include but are not limited to the department of labor, office of federal contract compliance programs, and the veterans employment service