



Ohio Administrative Code

Rule 3359-38-01 Affirmative action policy and program.

Effective: September 28, 2024

(A) Statement of policy.

(1) The university of Akron is an equal education and employment institution operating under nondiscrimination provisions of Title 41, Ohio Revised Code; Titles VI, VII of the Civil Rights Act of 1964, as amended; and Title IX of the Educational Amendments of 1972, as amended; Executive Order 11246, as amended; Vocational Rehabilitation Act section 504; Vietnam Era Veterans' Readjustment Act, as amended; Age Discrimination in Employment Act of 1967, as amended; Title II of the Genetic Information Nondiscrimination Act of 2008; and Americans with Disabilities Act, as amended as related to admissions, treatment of students, programs and activities, and employment practices.

(2) It is the policy of this institution that there shall be no unlawful discrimination against any individual in employment or in its programs or activities at the university of Akron because of race, color, religion, sex/gender, sexual orientation, gender identity or expression, age, national origin, ethnicity, disability, status as a parent during pregnancy and immediately after the birth of a child, status as a parent of a young child, status as a nursing mother, status as a foster parent, military status, genetic information, or status as a veteran. The university of Akron prohibits sexual harassment of any form in all aspects of employment and in its programs and activities and prohibits discrimination on the basis of any protected class in employment and admissions.

(3) The university affirms that judgments about admissions, education and personnel evaluations at the university of Akron are based on merit, qualifications and performance and not on attributes unrelated to academic or job performance.

(4) This nondiscrimination policy applies to all students, faculty, staff, employees, applicants for employment and applicants for admission to the university and its programs and activities.

(5) All faculty and staff members involved in making personnel recommendations will make



affirmative efforts to recruit qualified candidates from a variety of backgrounds especially in those categories where an underutilization of such members has been identified.

(6) This policy is an expression of its highest governing body and chief executive officer. By promulgating this program, the president of the university announces a firm and continuing commitment to equal opportunity for members of protected groups and assumes primary responsibility for its implementation.

(7) To the extent consistent with state and federal laws and regulations, nothing herein shall be construed to modify or impair the operation of the retirement policy and rules for the implementation thereof as established by the board of trustees of the university of Akron from time to time.

(B) Laws and regulations governing equal employment opportunity.

(1) The Equal Pay Act of 1963 requires every employer to pay employees equal pay for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to a seniority system, a merit system, a system which measures earnings by quantity or quality of production, or a differential based on any other factor other than sex. It is currently administered by the "Equal Employment Opportunity Commission" (EEOC).

(2) Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin in all programs or activities which receive federal financial aid. Employment discrimination is prohibited if a primary purpose of federal assistance is provision of employment (apprenticeship, training, work study or similar programs) or if program beneficiaries suffer unequal treatment because of hiring or assignment of counselors, trainers, faculty or others in organizations receiving federal funds. Title VI is administered by the office of civil rights, United States department of education.

(3) The Civil Rights Act of 1964, Title VII makes it an unlawful employment practice for employers, employment agencies and labor organizations to discriminate in the various aspects of employment on the basis of race, color, religion, sex or national origin. Title VII is administered by the EEOC.



(4) The Rehabilitation Act of 1973 (sections 503 and 504) prohibits discrimination on the basis of disability in employment decisions, and participation in or receipt of the benefit of programs or activities which receive federal funding. Also, employers are required to actively recruit qualified individuals with disabilities as part of an established affirmative action program. The act is administered by the United States department of labor.

(5) The Vietnam Era Veterans' Readjustment Assistance Act of 1974 prohibits discrimination against disabled veterans, recently separated veterans, active-duty or wartime or campaign badge veterans, and Armed Forces service medal veterans. . Employers are required to take affirmative action to enhance veteran's employment opportunities. The act is administered by the department of labor.

(6) Executive Order 11246, issued in 1965, as amended seeks to promote and ensure equal opportunity for all persons without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin of employees or persons seeking employment with government contractors. The order is administered by the Office of Federal Contract Compliance Program (OFCCP), United States department of labor. It is this order that mandates that affirmative action programs be described in written plans with action-oriented programs to address identified problems for recruiting, hiring and promoting minority group members and women.

(7) Title IX of the Education Amendments of 1972 prohibits sex discrimination in the programs and activities of any educational institution that receives federal assistance. Title IX is administered by the office of civil rights, United States department of education. The university of Akron does not discriminate on the basis of sex in any of its education programs and activities and is required by Title IX not to discriminate in such a manner. Questions regarding Title IX may be referred to the university's Title IX coordinator or to the United States department of education, office for civil rights. Information regarding Title IX, including the contact information for the Title IX coordinator and deputy Title IX coordinators, can be found on the university's Title IX website located at: <http://www.uakron.edu/title-ix>.

(8) The Age Discrimination in Employment Act (ADEA) as amended makes it unlawful for employers, employment agencies, and labor organizations to discriminate against persons forty years of age and over in any area of employment because of age. The ADEA is administered by the EEOC.



(9) Immigration Reform and Control Act of 1986 (with certain exceptions) makes it an unfair immigration-related employment practice to discriminate against any individual (other than an unauthorized alien) with respect to the hiring or recruitment, the referral for a fee of the individual for employment or the discharging of the individual from employment because of such individual's national origin, or in the case of a citizen or intending citizen, because of such individual's citizenship status. The act is administered by the United States department of justice.

(10) State law against discrimination, section 4112.02 of the Revised Code, prohibits discrimination in Ohio by reason of age, sex, disability, race, color, religion, national origin, military status, or ancestry in housing, public accommodation and employment in terms similar to those contained in federal statutes. This law is administered by the Ohio civil rights commission.

(11) The Americans With Disabilities Act, effective July 26, 1992, and the Americans with Disabilities Act Amendments Act of 2008, effective January 1, 2009, have the purpose of providing a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities. It extends federal civil rights protection in several areas to qualified individuals with disabilities . The act prohibits covered entities from excluding people from jobs, services, activities, or benefits based on disability and provides penalties for discrimination. It also requires the provision of reasonable accommodation when needed for a qualified individual to perform essential job functions. This law is administered by the EEOC.

(12) The Uniformed Services Employment and Reemployment Rights Act (USERRA), subject to eligibility criteria, has the purpose of ensuring that members of the uniformed services are entitled to return to their civilian employment upon completion of their service and can maintain their employer-based health plan for a certain period of time during military service. It also prohibits discrimination against past or present members of the uniformed services, those that have applied for membership in the uniformed services or those that are obligated to serve in the uniformed services. This law is administered by the Department of Labor.

(13) Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA) protects applicants for employment and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral and other aspects of



employment. It also prohibits employers, labor organizations and other covered programs from requesting, requiring or purchasing genetic information and limits the disclosure of genetic information. This law is administered by the EEOC.

(C) Affirmative action program.

(1) Dissemination and implementation.

(a) To monitor compliance with this policy, the university of Akron periodically reviews its workforce to determine whether employees and applicants are given equal opportunity for vacancies and promotions.

(b) To assure optimum communication, interpretation, and implementation of the university's EEO program at all levels of supervision and to all employees, the following steps are undertaken.

(i) Definition of the existence of the university of Akron's written affirmative action program is made available to all employees, and they will be periodically reminded of this program by:

(A) Description of the equal employment opportunity policy by publication on the university's website and collective bargaining agreements which will be reviewed periodically.

(B) Annual discussion and review of written affirmative action plan .

(ii) Academic and administrative employment opportunities are publicly announced on the university's website . Employment and recruiting sources listing job vacancies at the university of Akron will be reminded of the equal employment opportunity policy.

(iii) Notices informing applicants and employees of relevant statutes and regulations noted in this policy will be posted on bulletin boards by Human Resources and with each job posting. All advertisements about positions will prominently contain the university's non-discrimination statement and designation of the university's equal opportunity employer status.

(iv) Contractors, subcontractors, and vendors providing goods and/or services to the university of



Akron will be notified in writing of the university's equal employment opportunity policy and affirmative action program. External contractors shall reciprocate by informing The university of Akron's office of contract compliance in writing of their willingness to meet all applicable equal opportunity and affirmative action obligations. Also, building construction and renovation must include reasonable accommodations for individuals with disabilities .

(v) The university of Akron shall operate an office of affirmative action/equal employment opportunity, which shall be appropriately staffed as needed to carry out its duties . The office shall be responsible to the board of trustees through the president and the constituent groups making up this university for implementation of this affirmative action program.

(A) The affirmative action/equal employment opportunity director is responsible for coordinating and monitoring all components of the affirmative action plan and is the university officer responsible for sanctioning and monitoring compliance with the affirmative action/equal employment opportunity component of employment processes.

(B) The office of affirmative action/equal employment opportunity shall issue a yearly report on the university's progress in its affirmative action program in accordance with 41 CFR §60-2 . This report shall be made available to the university's board of trustees and the president. The university's current affirmative action plan will be made available to any current employee or current applicant upon request .

(C) The affirmative action/equal employment opportunity office shall have the authority to distribute The university of Akron's official policy of equal employment opportunity in accordance with regulations of the office of federal contract compliance programs .

(vi) All employees will be afforded full and complete opportunity and will be encouraged to participate in all university-sponsored educational, training, recreational, and social activities and will have equitable access to university facilities. Also, building construction and renovation must include reasonable accommodations for individuals with disabilities . The university shall not knowingly rent to or allow use of university facilities, patronize or use the facilities of any off-campus organization that has an invidiously discriminatory pattern or practice involving either membership or employment. Discriminatory patterns include, but are not limited to, those



organizations whose membership or employment is closed to women and/or members of minority groups.

(2) Recruitment, training, promotion, and retention.

All individuals involved in the hiring decision, in conjunction with the department of human resources, must:

(a) Base employment decisions solely upon the individual's qualifications and/or performance in the event of employment. If employment testing is used as a criterion for selection, appropriate guidelines will be followed to assure validity, objectivity, reliability, and compliance with law.

(b) Ensure that every full-time vacancy is communicated to the affirmative action/equal employment opportunity office prior to the announcement and publication of the job opening.

(c) Establish nondiscriminatory criteria for the large number of individuals who are employed as faculty and staff at the university of Akron on a part-time basis.

(d) The department of human resources or the equal employment opportunity/affirmative action office must:

(i) Record employees by job classifications with the identification of minorities, individuals with disabilities and gender.

(ii) Record the turnaway rate for all applicants, and meet with interviewers and supervisors, as needed, to determine turnaway causes to ensure decisions are based on qualifications and/or performance.

(iii) Ensure personnel services and benefits for eligible employees are provided on a nondiscriminatory basis. These services and benefits include, but are not limited to: compensation, fringe benefits, leave, transfers, university-sponsored training, education, tuition assistance, and all other similar services and benefits administered by the university.



(3) Student body.

(a) Undergraduate and graduate admission policies shall be administered consistent with the objectives of the university of Akron's non-discrimination policy and all applicable federal and state laws .

(b) All scholarships and other allowances for students as well as any other funds administered directly by the university of Akron personnel or other facilities shall be administered in a non-discriminatory manner .

(c) Teaching and/or research fellowships and assistantships available to graduate students as teaching employees of the university of Akron shall be administered in accordance with this policy .

(d) Counseling services shall be staffed by trained individuals who can provide appropriate, culturally responsive, and relevant care and services to the university's students .