

**3342-6-03.1 Administrative policy and procedures regarding complaints of unlawful discrimination and harassment**

(A) Policy Statement.

- (1) It is the policy of the university to provide a mechanism for achieving equitable and expedient resolution to complaints of unlawful discrimination and harassment based on protected categories: race, color, religion, gender, sexual orientation, national origin, disability, military status, age, identity as a disabled veteran or veteran of the Vietnam era, recently separated veteran, or other protected veteran.
- (2) It is a violation of university policy, and federal and state laws for anyone to engage in unlawful discrimination/harassment.
- (3) The university is committed to eliminating unlawful discrimination and harassment, wherever they occur in the university community, by taking corrective action as a result of violations of this policy. Violations may lead to disciplinary action which may include separation from the university.
- (4) Retaliation against a person filing a complaint or against others participating in an investigation is prohibited.
- (5) Complaints are to be made in good faith, but if the office of equal opportunity/affirmative action determines that a complainant willfully and/or knowingly falsely accused a member of the faculty, staff or a student of harassment, appropriate sanctions will be recommended against the complainant.

(B) Eligibility. All students, faculty, staff, independent contractors, guests, visitors, applicants, and university recognized student organizations.

(C) Definitions.

- (1) A “complaint” of unlawful discrimination/harassment is defined as an allegation of a violation of a specified regulation, policy, rule, or procedure.

- (2) A “complainant” is defined as any individual in a protected category who has initiated a complaint for administrative investigation.
  - (3) A “respondent” is defined as any individual and/or unit or department who has been accused of unlawful harassment/discrimination.
  - (4) An “Investigator” is an individual selected by the division head or office of equal opportunity/affirmative action to conduct the investigation.
  - (5) An “Affirmative Action Facilitator” is a liaison between the division and office of equal opportunity/affirmative action.
- (D) Implementation.
- (1) Any individual who believes that unlawful discrimination or harassment has occurred may access this complaint procedure. If unable to informally resolve a complaint, complainants are encouraged to present a formal written complaint within thirty (30) business days of the alleged incident so that the office of equal opportunity/affirmative action may effectively investigate and resolve the complaint.
  - (2) A complainant also has the right to file a complaint with external agencies including the Ohio Civil Rights Commission within 180 days, the Equal Employment Opportunity Commission within 300 days, and disability complaints may be filed with the department of education (Office of Civil Rights) within 180 days. The timeline is based on the alleged act or the discovery of the alleged act. However, it is recommended that the complainant first exhaust the internal complaint procedures.
  - (3) The University will make every reasonable effort to honor the confidentiality and privacy of all parties involved to the extent legally allowed in accordance with the Ohio Public Records Law and other applicable laws. However, during the procedures outlined below for formal complaints at Level 1 and Level II, both the complainant and the respondent shall be able to review with the investigator any documents related to the complaint.

- (4) Timely cooperation is expected of all involved parties throughout the complaint process. All parties are encouraged to be respectful of one another's privacy and to discuss the case, only with those who have a need to know.
  - (5) Reasonable administrative time-off shall be permitted for a complainant, respondent, and fellow employees who attend and are asked to participate in an investigation session. The employee(s) shall notify in writing his/her supervisor as early as possible. The supervisor will comply with the employee's request but shall maintain the right to establish a reasonable time to schedule a meeting during the work day. The office of equal opportunity/affirmative action will document the date(s) and time(s) of such meetings.
- (E) Complaint Procedures. It is important to process a complaint as expeditiously as possible. The number of business days indicated below at each level shall be the intended timeline. The time specified, however, may be extended by a written agreement between the university and the complainant, or the university and the respondent, as appropriate. In all cases, a person who (1) reports or complains, (2) participates in an inquiry or investigation, or (3) is accused of sexual harassment may be accompanied by an individual of his or her choice who shall be permitted to attend, but not participate in the proceedings.
- (1) Informal Resolution/Pre-Complaint Counseling Procedure.
    - (a) The office of equal opportunity/affirmative action and/or the area Affirmative Action Facilitator is available to provide information, guidance, and direction to resolve complaints. A complainant is provided an opportunity to discuss his/her complaint and determine if the complaint falls within the scope of the nondiscrimination guidelines.
    - (b) Informal resolution may first be attempted by a complainant at the unit level by contacting the appropriate supervisor or administrator over the academic unit, residence hall, or administrative office.

- (c) If the supervisor is the alleged harasser, the complainant may attempt resolution with the next level of supervision or contact the office of equal opportunity/affirmative action.
- (d) A complainant has the right to pursue informal resolution directly through the office of equal opportunity/affirmative action.
- (e) If informal resolution is not reached, complainants may initiate a formal complaint.

(2) Formal Complaint – Level 1

- (a) If informal resolution is not reached, or not attempted, the complainant(s) may initiate a formal complaint action by submitting the “Internal Complaint of Discrimination Form” available through the office of equal opportunity/affirmative action.
- (b) The office of equal opportunity/affirmative action shall notify in writing the appropriate jurisdictional party of the written complaint and the respondent within 10 (ten) business days from the date of the filing of the complaint.
  - (i) If a supervisor is named in the complaint, resolution will be attempted with the next level of supervision.
  - (ii) The office of equal opportunity/affirmative action shall notify the respondent of the complaint, provide the respondent with a copy of the complaint, and inform him/her of the right to present his/her case during the investigation. The respondent shall be given ten (10) business days to provide a statement in response to the complaint.
  - (iii) Both the complainant and the respondent have the right to be accompanied and advised by an advocate during the complaint process.
- (c) The responding unit/department may investigate and attempt resolution of the complaint within thirty (30)

business days of receiving the complaint or waive their opportunity to exercise this option.

- (d) If the responding unit elects to investigate the complaint, they shall notify the office of equal opportunity/affirmative action, specify who will conduct the investigation and report progress to the office, as needed. At the end of the investigation, the department shall record the departmental disposition in a summary report and forward a signed and dated copy to the office of equal opportunity/affirmative action. If a violation of this policy is found, the summary will include a proposed recommendation to resolve the complaint. The recommendation should include corrective, remedial, and/or preventative action.
- (e) In the event the responding unit/department waives their opportunity, by providing a statement of waiver in writing, the complaint will be investigated by the office of equal opportunity/affirmative action.
- (f) Upon receipt of the departmental disposition, the office of equal opportunity/affirmative action will review the results for satisfactory completion of the investigation procedure and for:
  - (i) employees, faculty or students associated with the university, EO/AA will distribute copies to the complainant, the respondent and the appropriate jurisdictional parties.
  - (ii) individuals not associated with the university, EO/AA will maintain a copy of the final disposition on file.
- (g) In the event the complainant is not satisfied with the departmental level findings:
  - (i) employees, faculty or students associated with the university may appeal the department's disposition to the office of equal opportunity/affirmative action for a Level II formal investigation and resolution.

- (ii) all others not associated with the university must discuss their concerns with the office of equal opportunity/affirmative action.
- (h) The respondent also has a right to appeal the findings.

(3) Formal Complaint – Level II

- (a) An appeal of the department's Level I disposition may be initiated by submitting a request to the office of equal opportunity/affirmative action within fifteen (15) business days upon receipt of the Level I disposition.
- (b) The "Internal Complaint of Discrimination Form," as filed by the complainant and submitted to the office of equal opportunity/affirmative action, authorizes the office to formally investigate all allegations relative to that particular complaint.
- (c) Upon receipt of the "complaint," the office of equal opportunity/affirmative action shall notify the appropriate jurisdictional party. The respondent shall be notified, provided a copy of the "complaint" and given an opportunity to provide a statement of position. The statement of position will be required within ten (10) business days of the complaint notification.
- (d) The office of equal opportunity/affirmative action shall have forty-five (45) business days to investigate the complaint. During this period, the office of equal opportunity/affirmative action may suspend the investigation in order to initiate and implement a problem resolution strategy. Also, the investigation time limit may be extended if necessary.
- (e) Upon completion of the investigation, the office of equal opportunity/affirmative action will provide the appropriate administrators, the respondent, and the complainant with a written summary of the complaint. If a violation of this policy is found, the summary will include a proposed recommendation to resolve the complaint. The

recommendation should include corrective, remedial, and/or preventative action.

- (f) The office of equal opportunity/affirmative action's written summary will serve as the university's administrative disposition of the complaint. It is the responding department's responsibility to accept the proposed recommendations or suggest modifications in conjunction with the office of equal opportunity/affirmative action. The final resolution will be documented by the office of equal opportunity/affirmative action and submitted to the vice president of human resources. Such terms of the agreement may then be subject to review by the responding department's vice president. However, a vice president may review and initiate proposed recommendations at any time during the process.
- (g) The vice president of human resources or designee may, on his/her own initiative, utilize an expedited resolution process with regards to any aspect of the complaint including the proposed recommendations with the offices of the appropriate vice presidents and/or president. This process in so far as practicable, should take no longer than twenty (20) business days from filing.
- (h) With the completion of Level II, the complainant has exhausted the internal complaint procedures.

(4) Sanctions

- (a) If it is found that an individual's conduct violates the university's policy on Unlawful Discrimination & Harassment, action will be recommended. Action may include, but is not limited to, counseling, training, oral or written warning, transfer, suspension, termination or expulsion. The degree of action may be determined based on the intent and outcome of the behavior. Sanctions shall be based on the nature and severity of the offense and the extent of the findings. The university will ensure that all parties are afforded due process in its complaint handling. Any sanctions will be in accordance with the provisions of

the appropriate collective bargaining agreement, student conduct code, employee disciplinary procedure, or other appropriate university policy.

(F) Responsibilities.

- (1) The office of equal opportunity/affirmative action is responsible for administering this policy.
- (2) All members of the university community share the responsibility for reporting instances of discrimination or harassment.
- (3) Affirmative Action Facilitators are responsible for complaint intake and providing information, guidance, and direction in utilizing the complaint procedure at the Regional Campuses.
- (4) Managers are responsible for providing information, guidance, disseminating policy, advising appropriately, and complying with timely investigative procedures.

Effective: March 5, 2008

Prior Effective Dates: May 20, 1992; February 11, 2003; April 21, 2003; June 1, 2007