
Used in conjunction with Policies 1.10, 1.15, 4.45, 7.25, 8.20

1.10 – Affirmative Action, Equal Employment Opportunity, and Non-Discrimination/Harassment

1.15 – Sexual Harassment

4.45 – Equal Employment for Individuals with Disabilities

7.25 – HIV/AIDS

8.20 – Employment Disputes and Allegations of Discrimination

Applies to: Faculty, staff, students, student employees, and volunteers

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The University has a compelling obligation to address allegations and suspected instances of discrimination and harassment. The Office of Human Resources is responsible for investigating all complaints of discrimination and harassment.

Corrective action may be imposed on any individual who has a duty to act under any applicable policy and who fails to respond to a complaint of discrimination/harassment in a manner consistent with the provisions of the applicable policies, procedures, and these guidelines.

I. Initiating a Complaint of Discrimination or Harassment

Complaints can be filed by contacting the Office of Human Resources, Organization and Human Resource Consulting (OHRC) or by submitting a completed Discrimination/Harassment Complaint Form to the Office of Human Resources, OHRC. Complaints of discrimination/harassment should be filed within 180 calendar days of notice of the event(s) that gave rise to the complaint. Filing a complaint with The Ohio State University Office of Human Resources does not preclude the individual from filing a complaint with an external agency *nor does it extend time limits with those agencies*.

Individuals who wish to make a complaint of discrimination should:

- A. In simple situations¹, talk with the responsible party or seek to resolve the situation in consultation with the supervisor and/or College/Unit Human Resource Professional. A note of actions taken with simple situations should be documented in the supervisory file and/or the employee's personnel file.
- B. If the issue is not resolved, contact the Office of Human Resources, OHRC. Submit a completed [Discrimination/Harassment Complaint Form](#), also available through the Office of Human Resources, OHRC.
- C. Provide witnesses and/or documentation from individuals that have first-hand knowledge of the situation.
- D. Respect the confidentiality of all parties.
- E. Keep the investigator informed of any new concerns or retaliation.

¹ For example, a simple situation could be if one person makes a comment that offends another person. The second person expresses their offense, they discuss it and the issue is resolved to the satisfaction of both parties, and no subsequent incidents occur. Another example might be when a supervisor observes a minor isolated inappropriate behavior by an employee, addresses the situation and it does not reoccur. Examples of non-simple situations are if a tangible academic or employment action occurs, or a pattern of behavior appears, unwelcome physical contact, etc. This is not an exhaustive list.

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II. Responsibilities for Resolving Complaints

A. Supervisors, Managers, Department Chairs/Directors

1. In simple situations, contact the College/Unit Human Resource Professional (HRP) and with their collaboration, attempt to resolve the issue in a timely manner.
2. Address all concerns promptly and thoroughly.
3. Respect the confidentiality of all parties.
4. Refer individuals to available University resources if counseling assistance is needed.
5. If the situation cannot be successfully resolved, a complaint should be submitted to the Office of Human Resources, Organization and Human Resource Consulting (OHRC). The Office of Human Resources, OHRC, investigates all complaints.

B. College/Unit Human Resource Professional (HRP)

1. Attempt timely resolution of workplace issues by notifying and collaborating with the Office of Human Resources, OHRC.
2. Address all concerns promptly and thoroughly.
3. Respect the confidentiality of all parties.
4. Refer individuals to available University resources if counseling assistance is needed.
5. If the situation cannot be successfully resolved, a complaint should be submitted to the Office of Human Resources, OHRC. The Office of Human Resources, OHRC, investigates all complaints.

C. Office of Human Resources

1. Conduct all investigations following these guidelines.
2. Maintain data regarding complaints of discrimination and harassment.
3. Collaborate with departments to reduce instances of discrimination and harassment.
4. Communicate investigation findings to the appropriate unit or higher-level administrator, complainant and accused.
5. Recommend appropriate corrective measures.
6. Monitor corrective measures to ensure compliance.

III. Investigating Complaints of Discrimination or Harassment

Any Human Resource Professional (HRP), supervisor, chair/director, or faculty member who becomes aware of an allegation will notify the Office of Human Resources, [Organization and Human Resource Consulting \(OHRC\)](#), about the allegation by ensuring that a [Discrimination/Harassment Complaint Form](#) or other appropriate documentation is filed within five working days of becoming aware of the allegation. The Complaint Form/documentation will initiate collaboration between the Office of Human Resources, OHRC and the unit HRP to determine how to proceed with resolving the complaint.

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IV. Investigator Duties

- A. Investigations will be a collaborative effort between the unit and OHR whenever possible. Individuals will be informed of the investigation and its progress on a timely basis.
- B. The investigator will discuss the following with the complainant:
 1. The complainant may:
 - a) File a complaint with the Office of Human Resources, [OHRC](#), or
 - b) File a grievance under the nondiscrimination clause of the appropriate collective bargaining agreement.
- C. The investigator will discuss the following with the complainant and accused:
 1. The behaviors and any related issues that gave rise to the complaint.
 2. The policy under which the complaint is brought and these investigation guidelines. Copies of both will be provided.
 3. The University has a compelling obligation to address complaints and suspected instances of discrimination and harassment. The University is not precluded from taking any action it deems appropriate, including informing the accused of the allegations and pursuing an investigation even in cases when the complainant is reluctant to proceed. The complainant will be notified in advance when such action is necessary.
 4. The manner and frequency with which they will be updated about the status of the investigation.
 5. The importance of confidentiality during the investigation. To the extent possible, the University will make every reasonable effort to conduct all proceedings in a manner that will protect the confidentiality of all parties. Parties to the complaint should treat the matter under investigation with discretion and respect for the reputation of all parties involved.
 6. Ohio Public Records Law. Upon conclusion of the investigation, records may be made available to the extent mandated by law.
 7. University policy and state and federal law prohibit retaliation against an individual for reporting discrimination/harassment or for participating in an investigation. The University will not tolerate retaliation of any form against any faculty, staff, student, or volunteer who files a complaint, serves as a witness, assists a complainant, or participates in an investigation of discrimination or harassment. Retaliation is a serious violation that can subject the offender to sanctions independent of the merits of the discrimination/harassment complaint. Allegations of retaliation should be directed to the Office of Human Resources, Organization and Human Resource Consulting (OHRC).
- D. The investigator will ensure that the Discrimination/Harassment Complaint Form is completed.
- E. The investigator, in collaboration with the unit representative/HRP and the complainant, will determine if special provisions are necessary to ensure that no discrimination/harassment occurs against the complainant while the investigation is pending.

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V. Investigation Process

A. Purpose of the investigation

The purpose of the investigation is to evaluate the allegations of discrimination/harassment, formulate a response that addresses the facts as they are determined, and follow up to ensure that the necessary action steps are completed.

B. Method of investigation

Depending on the facts of the case, an investigation may range along a continuum from a one-on-one conversation with the accused with an agreement as to further interactions; to an inquiry with several witness interviews. During the investigation, the consultant may interview the parties, witnesses who have first-hand knowledge of the events and gather relevant documents. After analyzing all the information, the consultant will prepare a case report with findings and detailed action steps to be implemented by the unit and the parties. Prior to the release of the case report, the Employment Law & Compliance Manager will review the report and discuss with the investigator any procedural issues, the specific findings and necessary actions steps. After this review, the case report will be delivered to the parties. The decision issued by OHRC is final. In every case, a record must be made of the allegations, investigation, and action taken.

C. Presence of support persons

An individual of the complainant and accused choice may accompany them at the initial interview and subsequently, as appropriate.

D. Time period for resolution of an allegation

Investigations should be concluded within 45 calendar days from the date the complaint was filed. If this is not reasonably possible, the investigator should inform the complainant and accused of the status of the review and an estimated conclusion date.

E. Possible outcomes

An investigation may result in one of the following findings:

1. A determination that there is sufficient evidence to indicate a violation.
2. A determination that there is insufficient evidence to indicate a violation.
3. A determination that inappropriate behavior or other policy violation has occurred.
4. A determination that there is sufficient evidence to indicate that an allegation is false.

If discrimination, harassment, false allegation, inappropriate behavior, or other policy violation has occurred, the University will take necessary action steps to correct the behavior. A false charge occurs when someone intentionally reports information or incidents that they know to be untrue.

The department must take prompt remedial action consistent with the severity of the offense, if any, and all applicable University rules and regulations. The necessary action steps for the department to take will be provided to the appropriate administrator who is responsible for implementation.

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F. Concluding the investigation

At the conclusion of the investigation, the investigator will inform the appropriate unit or higher-level administrator, complainant, and accused of the outcome.

G. Written report of outcomes

Within 10 workdays of informing the complainant and accused of the investigation outcome, the investigator will prepare a written summary of the outcome of the investigation.

VI. Corrective Action Implementation

Where discrimination or harassment is found, steps will be taken to ensure that the behavior is stopped promptly. Appropriate corrective action may range from counseling, written reprimands, suspensions, or other action up to and including dismissal, in accordance with established University rules and procedures. The Office of Human Resources, [Organization and Human Resource Consulting \(OHRC\)](#) will monitor corrective action to ensure compliance.

A. In cases involving faculty members, corrective measures may be imposed in accordance with Faculty Rules and Procedures 3335-5-04.

B. For unclassified and classified civil service employees, refer to Human Resources [Policy 8.15, Corrective Action](#).

C. For bargaining unit employees, refer to the appropriate collective bargaining agreement.

D. In cases involving students acting in their employment capacity, measures may be imposed in accordance with Human Resources [Policy 10.10, Student Employment](#); in all other cases, measures may be imposed in accordance with the Code of Student Conduct.

VII. Confidentiality

To the extent possible, all 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 individuals involved in the process should observe the same standard of discretion and respect for the reputation of everyone involved in the process.

VIII. Retaliation

University policy and state and federal law prohibit retaliation against an individual for reporting discrimination or harassment, or for participating in an investigation. The University will not tolerate retaliation in any form against any faculty, staff, student, or volunteer who files an allegation, serves as a witness, assists an alleger, or participates in an investigation of discrimination or harassment. Retaliation is a serious violation that can subject the offender to sanctions independent of the merits

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of the allegation. Allegations of retaliation should be directed to the Office of Human Resources, [Organization and Human Resource Consulting \(OHRC\)](#).

IX. Academic Freedom

When the alleged discrimination/harassment takes place in an instructional setting and the accused believes the allegation of discrimination/harassment infringes upon academic freedom, a designee from the [Committee on Academic Freedom and Responsibility \(CAFR\)](#) will be consulted. This designee will have access to all pertinent information regarding the investigation to assure due regard for academic freedom. The designee will address concerns about the investigation process with the investigator as necessary.

X. Record Keeping

The Office of Human Resources, Organization and Human Resource Consulting (OHRC) will maintain a written record of all witness interviews, evidence gathered, the outcome of the investigation, and any other appropriate documents. Investigation records will not be maintained in personnel files or student files unless they are part of a formal corrective action. Investigation records will be maintained in accordance with [university record retention schedules](#). When a complaint is filed outside the University, information gathered in the course of the internal investigation may be disclosed to the investigating agency.

A full set of investigation paperwork will be housed at Organization and Human Resource Consulting (OHRC), including complaint form and/or notes, investigation notes, any relevant documentation or evidence, case report if appropriate, and letters of notification of findings and necessary action steps. If corrective action is issued, a letter documenting the action should be included in the discrimination/harassment investigation file. When corrective action is taken, the employing unit will house a file including the case report, letters of findings, and corrective action documents.

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RESOURCES

For consultation:

- Office of Human Resources, [Organization and Human Resource Consulting \(OHRC\)](#) 614-292-2800, ohrc@hr.osu.edu
- Office of [Academic Affairs](#) 614-292-5881

For counseling:

- Office of Human Resources, [Faculty and Staff Assistance Program](#) 614-292-4472
- Office of Student Affairs, [Counseling and Consultation Service](#) 614-292-5766

For more information:

- The Ohio State University Record Retention Policy lib.ohio-state.edu/OSU_profile/arvweb/retention/gensched.htm
- Discrimination/Harassment Complaint Form hr.osu.edu/forms/#SexualHarassment
- Rules for Classified Civil Service hr.osu.edu/ccsrules/ccsrule1.htm
- Code of Student Conduct osu.edu/units/stuaff/csc2.html
- Faculty Rules and Procedures, 3335-5-04 trustees.ohio-state.edu/rules5/ru5-04.html
- Human Resources [Policy 1.10](#), Non-Discrimination, EEO, and Affirmative Action
- Human Resources [Policy 1.15](#), Sexual Harassment
- Human Resources [Policy 4.45](#), Equal Employment for Individuals with Disabilities
- Human Resources [Policy 7.25](#), HIV/AIDS
- Human Resources [Policy 8.15](#), Corrective Action
- Human Resources [Policy 8.20](#), Employment Disputes and Allegations of Discrimination
- Human Resources [Policy 10.10](#), Student Employment

For issues of academic freedom:

- Council on Academic Freedom and Responsibility (CAFR) senate.ohio-state.edu/CAFR.html