



Applies to: Faculty, staff, student employees, graduate associates, volunteers, and applicants

Responsible Office

Office of Human Resources

POLICY

Issued: 10/01/1973

Revised: 05/06/2019 (minor revision)

The Ohio State University is committed to building and maintaining a diverse community to reflect human diversity and to improve opportunities for all. The university is committed to equal opportunity, **affirmative action**, and eliminating **discrimination**. This commitment is both a moral imperative consistent with an intellectual community that celebrates individual differences and diversity, as well as a matter of law.

Ohio State does not discriminate on the basis of age, ancestry, color, disability, gender identity or expression, genetic information, HIV/AIDS status, military status, national origin, race, religion, sex, sexual orientation, protected veteran status, or any other bases under the law, in its activities, programs, admission, and employment.

In addition, the university complies with Executive Order 2019-05D, which prohibits any Ohio State employee from discriminating against any other employee or applicant on the basis of race, color, religion, gender, gender identity or expression, national origin (ancestry), military status (past, present or future), disability, age (40 years or older), 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 foster parent, genetic information, or sexual orientation, as those terms are defined in Ohio law, federal law, and previous Executive Orders, in making any of the following employment-related decisions:

- a. Hiring
- b. Layoff
- c. Termination
- d. Transfer
- e. Promotion
- f. Demotion
- g. Rate of Compensation
- h. Eligibility for In-Service Training Programs

Purpose of the Policy

To establish a policy promoting **equal employment opportunity** and prohibiting discrimination based upon law or applicable executive order, including and not limited to: Americans with Disabilities Act, Age Discrimination Act of 1975, Age Discrimination in Employment Act, Genetic Information Nondiscrimination Act, Pregnancy Discrimination Act, Rehabilitation Act of 1973, Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Vietnam Era Veterans' Readjustment Assistance Act of 1974, Ohio Executive Order 2019-05D, and any other laws or applicable executive orders related to equal opportunity.



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Definitions

Term	Definition
Affirmative Action	Affirmative action is required under Executive Order 11246. It is designed to promote equal employment opportunity for protected class members in all policies and decisions affecting recruitment, selection, assignment, promotion, training, transfer, demotion, layoff, recall, termination, rates of pay or other forms of compensation, and all other terms and conditions of employment.
Applicant	An individual who has applied for a specific position at Ohio State, meets the basic qualifications for the position, is considered by the university for the position, and does not voluntarily remove herself/himself from the position.
Discrimination	Discrimination (disparate treatment and disparate impact) occurs when an adverse employment action is taken and is based upon a protected class. Disparate treatment occurs when an employee suffers less favorable treatment than others because of the protected class. Disparate impact occurs when an employment policy, although neutral on its face, adversely impacts persons in a protected class.
Equal Employment Opportunity	All persons regardless of age, ancestry, color, disability, gender identity or expression, genetic information, HIV/AIDS status, military status, national origin, race, religion, sex, sexual orientation, protected veteran status, or any other bases under the law shall have equal opportunity for employment.
Harassment*	(1) Unwelcome, protected class-based verbal or physical conduct that (2) is sufficiently severe, persistent or pervasive that (3) it unreasonably interferes with, denies, or limits an individual's ability to participate in or benefit from the university's education and employment programs and activities; and (4) is based on power differentials (quid pro quo) or the creation of a hostile environment. * This definition does not include sexual harassment. See Sexual Misconduct, policy 1.15, for the definition of sexual harassment.
Protected Class	Protected class is defined by federal law/executive order or Ohio State policy.

Policy Details

- I. Guiding Principles
 - A. Recruitment processes should be designed and conducted so as to result in the most diverse and qualified **applicant** pool possible.
 - B. Selection practices should emphasize hiring the best-qualified individuals.
 - C. Management practices should facilitate inclusive work environments that value and seek out human diversity and reward effective human relations skills.
 - D. University practices should emphasize prevention of discrimination and **harassment**.
 - E. Training and development opportunities should be made available to employees and should provide equal opportunities for individuals from underrepresented groups.
 - F. Promotion practices, including tenure, should be inclusive and provide equal opportunity for individuals from underrepresented groups.

PROCEDURE

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- I. Making a Complaint of Discrimination/Harassment
 - A. Allegations can be made by individuals who are directly involved in, who observe, or who receive reliable information that discrimination/harassment may have occurred.
 - B. Allegations of sexual misconduct, which includes sexual harassment, are handled under the Sexual Misconduct policy 1.15.



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- C. Allegations of all other forms of discrimination/harassment involving students in the nonemployment setting can be filed by contacting the Office of the Vice President for Student Life; the Student Advocacy Center; or the Multicultural Center, specifically the Bias Assessment and Response Team.
- D. Filing a complaint with the university does not preclude the individual from filing a complaint with an external agency nor does it extend time limits with those agencies.
- E. Individuals who wish to make a complaint of discrimination/harassment (outside of sexual harassment) should:
 1. Talk with the responsible party if desired and if comfortable doing so.
 2. Seek to resolve the situation in consultation with the supervisor and/or college/unit human resource professional if desired and if comfortable doing so.
 3. If the issue is not resolved through #1 and/or #2, contact the Office of Human Resources. Submit a completed Discrimination/Harassment Complaint form, available from the Office of Human Resources.
 4. Provide witnesses and/or documentation from individuals that have first-hand knowledge of the situation.
 5. Respect the confidentiality and reputation of all parties.
 6. Keep the investigator informed of any new concerns or actions taken against the complainant during the investigation.

II. Confidentiality

The university recognizes the importance of confidentiality. To the extent possible, all information received in connection with the filing, investigation, and resolution of allegations will be treated as confidential except when necessary to conduct an appropriate investigation, to provide assistance and resources to complainants, to perform other appropriate university functions, or when the university is compelled to produce information in accordance with the law. When requests for confidentiality arise, they will be evaluated by the Office of Human Resources, Employee and Labor Relations or in cases of sexual misconduct, which includes sexual harassment, by the Title IX coordinator. All individuals involved in the process should observe the same standard of discretion and respect for the reputation of everyone involved in the process.

III. Retaliation

The university will not tolerate retaliation in any form against any individual who makes an allegation, files a report, serves as a witness, assists a complainant, or participates in an investigation of discrimination or harassment. University policy and state and federal law prohibit retaliation against an individual for reporting discrimination or harassment, or for participating in an investigation. Retaliation is a serious violation that can subject the offender to discipline, up to and including termination of employment and/or student status, independent of the merits of the underlying allegation. Allegations of retaliation should be directed to the Office of Human Resources, Employee and Labor Relations, or in cases of sexual misconduct, which includes sexual harassment, to the Title IX coordinator or deputy coordinator.

IV. Job Postings

- A. All qualified applicants will receive consideration for employment without regard to a protected status.
- B. The university is an equal opportunity employer, and this must be stated in all job postings, and advertisements.
- C. Applicants are encouraged to complete and submit the [Equal Employment Identification form](#).

Responsibilities

Position or Office	Responsibilities
Employing unit	<ol style="list-style-type: none"> 1. Ensure that a diverse pool is created for each search. 2. Ensure that management practices prevent discrimination and support Equal Employment Opportunity (EEO). 3. Provide information and resources to supervisors, managers, and employees in support of Affirmative Action, EEO, and non-discrimination. 4. Ensure that instances of discrimination are promptly referred to Human Resources Employee and Labor Relations. Once findings and actions steps are issued, ensure that they are properly implemented. 5. Display required EEO materials.



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	<ol style="list-style-type: none"> 6. Consult with Human Resources Employee and Labor Relations to meet obligations under this policy. 7. Enter employee Affirmative Action employment data in the Human Resource Information System (HRIS). 8. Ensure confidentiality of individuals with HIV/AIDS infection, genetic information, or other issues governed by this policy. 9. Follow responsibilities outlined in the Investigation Standards.
Office of Human Resources	<ol style="list-style-type: none"> 1. Consult with and guide units, managers, and employees regarding this policy. 2. Produce and maintain the university Affirmative Action Plan. 3. Consult with units regarding the Affirmative Action planning process and their responsibilities under this policy. 4. Provide Affirmative Action, EEO, and non-discrimination information and resources. 5. Investigate complaints of discrimination/harassment. 6. Provide training regarding this policy. 7. Ensure confidentiality of individuals with HIV infection, genetic information, or other issues governed by this policy. 8. Follow responsibilities outlined in the Investigation Standards. 9. Evaluate requests for confidentiality.
Title IX coordinator	Evaluate requests for confidentiality related to sexual misconduct, which includes sexual harassment.
Applicant and employee	<ol style="list-style-type: none"> 1. Voluntarily complete and submit the Equal Employment Identification form if desired. 2. Talk with the party responsible for the offensive behavior if desired and if comfortable doing so. 3. Seek to resolve situations in consultation with the supervisor and/or college/unit HR professional if desired and if comfortable doing so. 4. Submit Discrimination/Harassment Complaint form to the Office of Human Resources. 5. Provide witnesses and/or documentation from individuals that have first-hand knowledge of the situation. 6. Respect the confidentiality and reputation of all parties. 7. Keep the investigator informed of any new concerns or actions taken against the complainant during the investigation. 8. Direct allegations of retaliation to OHR Employee Relations, or in cases of sexual misconduct, which includes sexual harassment, to the Title IX coordinator or deputy coordinator. 9. Follow responsibilities outlined in the Investigation Standards.

Resources

- Americans with Disabilities Act, of 1990, as amended. ada.gov/pubs/adastatute08.pdf
- Age Discrimination Act of 1975, dol.gov/oasam/regs/statutes/age_act.htm
- Age Discrimination in Employment Act of 1967, govinfo.gov/content/pkg/USCODE-2011-title29/html/USCODE-2011-title29-chap14.htm
- Discrimination/Harassment Complaint form, hr.osu.edu/wp-content/uploads/form-discrimination-harassment-complaint.pdf
- Equal Employment Identification form, hr.osu.edu/wp-content/uploads/form-equal-employment-id.pdf
- Equal Employment Opportunity Commission, eeoc.gov
- Genetic Information Nondiscrimination Act of 2008, govinfo.gov/content/pkg/PLAW-110publ233/pdf/PLAW-110publ233.pdf
- Investigation Standards, hr.osu.edu/wp-content/uploads/discrimination-investigation-guidelines.pdf
- National Human Genome Research Institute, genome.gov, genome.gov/10002077
- Notice of Non-Discrimination, hr.osu.edu/policy/resources/110nondiscrimnotice.pdf
- Ohio Executive Order 2019-05D, governor.ohio.gov/wps/portal/gov/governor/media/executive-orders/2019-05d
- Ohio Revised Code Section 4112 Unlawful discriminatory practices, codes.ohio.gov/orc/4112.02
- Posters, hr.osu.edu/services/affirmative-action/
- Pregnancy Discrimination Act of 1978, eeoc.gov/laws/statutes/pregnancy.cfm
- Rehabilitation Act of 1973, Sections 503 and 504, eeoc.gov/policy/rehab.html
- Sexual Misconduct policy 1.15, hr.osu.edu/public/documents/policy/policy115.pdf



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Title VII of the Civil Rights Act of 1964, eeoc.gov/laws/statutes/titlevii.cfm

Title IX of the Education Amendments of 1972, dol.gov/oasam/regs/statutes/titleix.htm

Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, dol.gov/ofccp/regs/statutes/4212.htm

Contacts

Subject	Office	Telephone	E-mail/URL
Policy	Employee and Labor Relations, Office of Human Resources	614-292-2800	hr-elr@osu.edu hr.osu.edu/services/elr/
ADA and accommodations	ADA Coordinator's Office	614-292-6207	ada-osu@osu.edu ada.osu.edu
Title IX	Title IX Coordinator	614-247-5838	titleix@osu.edu titleix.osu.edu

History

- Issued: 10/01/1973
- Revised: 10/01/1980
- Revised: 01/03/1985
- Revised: 10/23/2000
- Edited: 09/06/2002
- Revised: 02/02/2004
- Revised: 11/01/2009
- Revised: 02/01/2012
- Edited: 09/01/2013
- Revised: 09/01/2015
- Revised: 05/06/2019 (minor revision)