

3359-11-13 Non-discrimination and harassment policy.

(A) Statement of policy.

- (1) The university of Akron affirms its commitment to an academic, work, and study environment free of inappropriate and disrespectful conduct and communication. All students, faculty, and staff shall be protected under the guidelines of this policy. This policy not to discriminate shall extend to admission and employment. Inquiries about the application of Title IX and the Title IX regulations may be referred to the university's Title IX coordinator, to the U.S. department of education, office for civil rights (OCR), or both, as provided in the university of Akron gender-based misconduct and Title IX policy and protocol located at: <https://www.uakron.edu/title-ix/docs/title-ix-policy.pdf>.
- (2) This policy shall be widely disseminated to employees and students and shall be incorporated into employee trainings and be included in student orientation materials. Supervisors shall ensure that those under their supervision are aware of this policy. A copy of this policy shall be available at the equal employment opportunity and affirmative action office, the office of student conduct and community standards and other places as may be specified by the chief human resource officer.
- (3) By this policy, the university is providing notice that protected class-based harassment will not be tolerated. This policy will provide the basis for such concerns to be addressed.
- (4) For purposes of this policy, protected classes are those specified in the affirmative action policy, paragraph (A)(2) of rule 3359-38-01 of the Administrative Code. These classes are race, color, religion, sex, sexual orientation, gender identity or expression, age, national or ethnic origin, 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.

(B) Protected class-based harassment, including sexual harassment, violates state and federal laws. This policy shall be coextensive with such laws and prohibit unwelcome conduct directed towards a person based on their actual or perceived membership in a protected class. Complaints alleging protected class-based harassment, including sexual harassment, will be investigated pursuant to paragraph (E) of this policy.

- (1) This policy prohibits violation(s) of Title VI of the Civil Rights Act of 1964 prohibiting discrimination based on race, color and national origin, Title VII of the Civil Rights Act of 1964 prohibiting discrimination based on race, color, national origin, sex and religion, section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act prohibiting discrimination based on disability, and the Age Discrimination Act of 1975 prohibiting discrimination based on age.
- (2) This policy prohibits violation(s) of Title IX of the Education Amendments of 1972 prohibiting gender-based discrimination and gender-based harassment, including but

not limited to sexual harassment, where:

- (a) An employee of the recipient conditions the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct; or
- (b) Unwelcome conduct, as determined by a reasonable person, is determined to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity.
- (c) "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 1229(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

Additional information concerning the university's gender-based misconduct and Title IX policy and protocol is accessible via the following link: <https://www.uakron.edu/title-ix/docs/title-ix-policy.pdf>.

(C) This policy prohibits retaliation against any student or employee for:

- (1) Exercising their rights under this policy;
- (2) Bringing forward a charge under this policy; or
- (3) Testifying, assisting or participating in any manner in an investigation, hearing or other proceeding under this policy or pursuant to procedures provided by law.

(D) Responsibility.

- (1) All persons affiliated with the university have a responsibility to implement this policy.
- (2) The office of equal employment opportunity and affirmative action shall facilitate and administer this policy for employees consistent with the terms set forth herein and consistent with the state and federal rules, regulations, and laws governing this institution.
- (3) The office of student conduct and community standards shall facilitate and administer this policy consistent with the code of student conduct for students and consistent with the state and federal rules, regulations, and laws governing this institution.

(E) Investigating, reporting and procedures.

- (1) Any individual who feels that they have been subjected to protected class-based harassment by a university student, employee or a third-party at the university may file a formal complaint. The university reserves the right in its discretion to file a complaint to protect the university community. Such complaints should be filed as quickly as possible, typically within sixty days, after the incident or conduct in question, utilizing either the informal or formal process. All complaints will receive a prompt and equitable resolution.
- (2) Formal complaints alleging violation(s) of Title IX or gender-based harassment,

including but not limited to sexual harassment, can be filed in person, by mail or by email with the Title IX coordinator or deputy coordinators pursuant to the university of Akron gender-based misconduct and Title IX policy and protocol located at: <https://www.uakron.edu/title-ix/docs/title-ix-policy.pdf>. Information and contact information for the Title IX coordinator and deputy coordinators can be found at: <http://www.uakron.edu/title-ix/>.

- (3) Complaints alleging that a university student, employee or third party, has engaged in protected class-based harassment in violation of this policy, other than complaints alleging a violation of Title IX or gender-based harassment, may be filed with the appropriate office, as follows:
 - (a) Complaints alleging that a university student has engaged in protected class-based harassment, other than complaints alleging a violation of Title IX or gender-based harassment, may be filed with the office of student conduct and community standards. Information and contact information regarding the office of student conduct and community standards can be found at: <https://www.uakron.edu/studentconduct/>.
 - (b) Complaints alleging that a university employee or third-party at the university of Akron has engaged in protected class-based harassment in violation of this policy, other than complaints alleging a violation of Title IX or gender-based harassment, may be filed with the office of equal employment opportunity and affirmative action. Information and contact information regarding the equal employment opportunity/affirmative action office can be found at: <https://www.uakron.edu/hr/eoaa/>.
- (4) Any conduct defined as criminal under Title XXIX of the Ohio Revised Code must be resolved through the formal process. Such complaints may also be referred to the appropriate external agency, including the prosecutor, police, or other appropriate investigative agency.
- (5) Formal complaints alleging protected class harassment by a student will be investigated and resolved in accordance with the code of student conduct. Formal complaints alleging protected class harassment by an employee or third-party will be investigated and resolved in accordance with the procedures adopted by the office of equal employment opportunity and affirmative action. Formal complaints alleging sexual harassment or gender-based discrimination will be responded to and investigated in accordance with the protocols approved by the Title IX coordinator. The complainant and the respondent will be fully informed of the results of the investigation.
- (6) Any student, faculty or staff person accused of protected class-based harassment is entitled to due process as specified in applicable laws, regulations, university rules, policies and/or or applicable collective bargaining agreements.

- (7) Persons who violate this policy will be subject to appropriate corrective action, which may include, but may not be limited to, referral for counseling, written or oral reprimands, suspension or dismissal from the university, suspension with or without pay, termination, or referral to the criminal justice system. Sanctions for conduct prohibited by Title IX of the Education Amendments Act of 1972 will be in accordance with the protocols approved by the Title IX coordinator.
- (8) Any person found to have falsely filed a complaint under this policy will be subject to appropriate corrective action. A finding that there is insufficient evidence to substantiate a complaint is not the same as a finding that a complaint was falsely filed.
- (9) Nothing contained herein shall be deemed to restrict or otherwise prohibit the complainant from filing a complaint with an appropriate external governmental agency, nor shall this policy be deemed as discouraging individuals from seeking legal counsel. It shall, however, be the responsibility of such individuals to meet any agency filing deadlines.
- (F) Privacy. All complaints under this policy will be treated with discretion and be discussed only to the extent consistent with an appropriate investigation and response. Only those persons necessary for the investigation and resolution of the complaints will be given information about them, to the extent consistent with the university's legal obligations.

Effective: 09/24/2023

Certification:

M. Celeste Cook
Secretary
Board of Trustees

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Statutory Authority: 3359

Rule Amplifies: 3359

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