

3359-11-13 Anti-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.
- (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 the policy. The 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 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 where:

- (1) Enduring the offensive conduct becomes a condition of continued employment or participation in the university's educational program, activities or services, or
- (2) The conduct is sufficiently severe or pervasive to create a work, educational or campus residential environment that a reasonable person would consider intimidating, hostile, or abusive.

(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 under this policy. The university reserves the right in its discretion to file a complaint to protect the university community. Complaints alleging that a university student has engaged in protected class-based harassment may be filed with the office of student conduct and community standards. Complaints alleging that a university employee or third-party at the university of Akron has engaged in protected class-based harassment may be filed with the office of equal employment opportunity and affirmative action. Such complaints should be filed as quickly as possible after the incident or conduct in question, utilizing either the informal or formal process.
- (2) Any conduct defined as criminal under Title XXIX of the 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.
- (3) 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.

- (4) 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.
- (5) 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.
- (6) 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.
- (7) 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.

Replaces: 3359-11-13

Effective: 10/25/2020

Certification:

M. Celeste Cook
Secretary
Board of Trustees

Promulgated Under: 111.15

Statutory Authority: 3359

Rule Amplifies: 3359

Prior Effective Dates: 05/13/1998, 08/20/2011, 11/15/2012 02/01/2015