

Name of Policy: Nondiscrimination



Policy Number: 3364 -50-02

Approving Officer: President

Major/technical division of existing policy

Responsible Agent: Equal Opportunity Coordinator

Scope: All University of Toledo Campuses

<input type="checkbox"/>	For revision of existing policy	<input type="checkbox"/>	Reaffirmation of existing policy
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(A) Policy statement

The University of Toledo does not discriminate on the basis of race, color, religion, sex, age, national origin, ancestry, sexual orientation, gender identity and expression, military or veteran status, the presence of disability, genetic information, familial status, political affiliation or participation in protected activities in its provision of employment and educational opportunities.

Discrimination, including discriminatory harassment, on any of those bases is strictly prohibited. Upon notice of possible discrimination, the University takes prompt and appropriate steps to determine what occurred, end a discriminatory practice or hostile environment if one has been created, and prevent its recurrence. Retaliation against anyone because he or she has made a complaint or served as a witness or otherwise engaged in activity protected by this policy is also strictly prohibited by this policy.

The University encourages anyone who believes he or she has been subjected to conduct in violation of this policy to file a complaint under this policy to ensure that the University has an opportunity to address prohibited conduct.

(B) Purpose

This policy also provides the University community with necessary information regarding how to make complaints of alleged violations of this policy and what to expect from the investigation and resolution process.

(C) Scope

This policy applies to all faculty, staff, students, student organizations, and third parties (for example, vendors and visitors), and covers conduct that occurs in University programs and activities, on University property or at University sponsored events.

This policy addresses the reporting and processing of complaints alleging discrimination, including discriminatory harassment, based on race, color, religion, age, national origin, ancestry, military or veteran status, genetic information, familial status, and political affiliation, as well as complaints alleging retaliation for participation in activities protected under this policy.

Sex discrimination, sexual harassment, sexual violence, and discrimination or harassment based on sexual orientation, gender identity, or gender expression is also prohibited. However, the reporting of such complaints is not prohibited.

Discrimination: Negative or adverse treatment based on race, color, religion, age, national origin, ancestry, military or veteran status, genetic information, familial status, or political affiliation. (Sex discrimination, sexual harassment, and sexual violence, or other sexual misconduct, is discrimination but is addressed instead under the University's Title IX policy (3364-50-01).)

Harassment: Physical, verbal, or non-verbal conduct of an offensive, intimidating or threatening nature based on an individual's race, color, religion, sex, age, national origin, ancestry, sexual orientation, gender identity and expression, military or veteran status, genetic information, familial status, or political affiliation that is sufficiently serious to deny or limit the individual's ability to participate in the University's educational program or working environment. Harassment is a form of discrimination. (Unwelcome conduct of a sexual nature is addressed instead under the University's Title IX policy (3364-50-01).)

Respondent: The individual alleged to have engaged in discrimination, harassment or retaliation in violation of this policy.

Retaliation: Adverse action taken against an individual because the individual has engaged in a protected activity (such as filing a discrimination complaint or participating in an investigation of a violation of law or policy). The adverse action can be tangible (such as the giving of a lower grade or unjustified discipline) or intangible (such as the making of verbal threats).

Sexual misconduct: Sexual misconduct is covered by policy 3364-50-01 and includes sexual harassment, sexual violence, sexual assault, conduct that exploits another person in a sexual and non-consensual way (such as voyeurism and non-consensual recording), stalking, dating violence, domestic violence, and indecent exposure. Sexual misconduct may also be discrimination, harassment, or violence based on sexual orientation, gender identity, or gender expression.

(E) Reporting alleged vio

Where to file. A complaint can be made by completing a Complaint Form available on the University's website at https://cm.maxient.com/reportingform.php?UnivofToledo&layout_id=17 . The completed form also may be hand delivered, faxed, emailed, or mailed to the Equal Opportunity Coordinator or any Equal Opportunity Deputy Coordinator.

Anonymous complaints. Anonymous complaints may be made to the toll-free Compliance Concepts hotline at 1-888-416-1308.

(3) Confidentiality

The University respects the privacy of the parties in responding to reports and complaints of discrimination and harassment, and shares information only on a limited, "need to know" basis, in accordance with federal and state privacy laws and the Ohio Public Records Act. Absolute confidentiality cannot be guaranteed, however.

(F) Interim measures

Appropriate interim measures coordinated by the Equal Opportunity Coordinator or Deputy Equal Opportunity Coordinators may be available to a complainant who makes a report of alleged discrimination. Interim measures for students may include no-contact orders, changes to academic and living situations as appropriate, counseling, or other actions. Interim measures for employees may include no-contact orders, reassignment, leave, modification to the place or manner of performing one's position, or other actions. The University administers interim measures in a manner that minimizes the burden on the complainant, while taking into account due process considerations with regard to the respondent and others, as appropriate.

Respondents or others who participate in the investigation of a complaint may contact the Equal Opportunity Coordinator if they need assistance prior to the completion of the investigation or resolution procedures.

(G) Investigation procedures

- (1) The Equal Opportunity Coordinator will expeditiously, and in no event later than 7 days after receiving a report of alleged discrimination, assign the case to an appropriate Deputy Equal Opportunity Coordinator for investigation. The Equal Opportunity Coordinator will document this step of the process in writing.
- (2) Within 7 days of receiving the case assignment, the Deputy Equal Opportunity Coordinator or designee will contact the complainant and respondent to schedule in-person or telephonic interviews. University-provided email will be the primary means of communication used, and complainants and respondents are advised to check their University-provided email regularly.
 - (a) As part of the investigation, the Deputy Equal Opportunity Coordinator and/or designee will interview witnesses and review available evidence, as appropriate.

- (b) Where the respondent is an employee covered by a collective bargaining agreement, the matter will be referred to the Human Resources for appropriate corrective action or disciplinary proceedings under the applicable collective bargaining agreement.
 - (c) Where the respondent is an employee not covered by a collective bargaining agreement, the matter will be referred to the Human Resources and the administrator with authority over the respondent for appropriate corrective action or disciplinary proceedings under the applicable policy.
 - (d) Where the respondent is not a University student or employee, the Equal Opportunity Coordinator will determine the appropriate remedial actions.
- (3) The investigation and resolution of the complaint generally will be completed within 60 days, absent extenuating circumstances. The Deputy Equal Opportunity Coordinator or designee rally h.eOppod4 (t)-2 (h)-4 (pol4 (r)3 (y -2 (e)4 -2 (ni)-2 p)-2 (O)2 (pp7vy)

<p>Approved by:</p> <p><u>/s/</u> Gregory C. Postel, M.D. President</p> <p><u>February 8, 2024</u> Date</p> <p><i>Review/Revision Completed by: Chief Human Resources Officer, Senior Leadership Team</i></p>	<p>Policies Superseded by This Policy: <i>Previous 3364-50-01 Sexual harassment and other forms of harassment, most recently revised effective February 6, 2014 And any other policies whose definitions, procedures, or other provisions conflict with this policy.</i></p> <p>Initial effective date: December 1, 2007</p> <p>Review/revision date: December 21, 2022 <i>February 8, 2024 updated name of Associate Director, Institutional Equity and HR Compliance to Jennifer Ray in the policy appendix</i></p> <p>Next review date: December 21, 2025</p>
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APPENDIX

The University has designated the following individual to handle inquiries and reports concerning Titles VI and VII of the Civil Rights Act of 1964, The Age Discrimination Act of 1975, and Title IX of the Education Amendments of 1972, which prohibit discrimination on the basis of race, color, religion, age, sex (including gender identity or expression), and national origin:

Jennifer Ray, Associate Director, Institutional Equity and HR Compliance
Acting Equal Opportunity Coordinator
Center for Administrative Support
Phone: (419) 530-2508
Email: Jennifer.Ray4@utoledo.edu
Mail Stop: 205

The Equal Opportunity Coordinator is assisted by a Deputy Equal Opportunity Coordinator. The Deputy Equal Opportunity/Title IX Coordinators investigate allegations of discrimination under this policy, assist individuals who may require interim measures following a report of alleged discrimination, and provide information and resources to the campus community.

The University has designated the following individual to handle inquiries and reports concerning the Americans with Disabilities Act and the Rehabilitation Act, which prohibits discrimination on the basis of disability, and provides for reasonable accommodation:

David Cutri, Executive Director Internal Audit & Chief Compliance Officer
University Hall, Room 1820C
Office Phone: 419-530-8718
Office Fax: 419-530-3035
Email: David.Cutri@utoledo.edu

