



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

Responsible Office

Office of Institutional Equity

POLICY

Issued: 10/01/1973
Revised: 01/25/2022

The Ohio State University understands that diversity, inclusion, and equity are fundamental to achieving its mission. Therefore, the university is committed to building and maintaining a community that reflects human diversity, to improving opportunities for all, and to supporting **affirmative action** and **equal employment opportunity**. This commitment is an expectation of our university’s shared values, consistent with an intellectual community that celebrates individual differences and diversity, and a matter of law.

Ohio State does not discriminate on the basis of age, ancestry, color, disability, ethnicity, gender, gender identity or expression, genetic information, HIV/AIDS status, military status, national origin, pregnancy, race, religion, sex, sexual orientation, or veteran status, or any other bases under the law, in its employment, which includes hiring and selection practices. The [Non-Discrimination, Harassment, and Sexual Misconduct policy](#) supplements this policy.

In addition, the university prohibits discrimination against any 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

This policy will be interpreted in compliance with applicable law and exceptions provided by applicable law. Nothing in this policy is intended to detract from rights guaranteed to bargaining unit members under their current collective bargaining agreements.

Purpose of the Policy

To create an environment where all people have an equal opportunity to apply for and participate fully in university employment and to promote awareness of the university’s affirmative action obligations.

Definitions

Term	Definition
Action-oriented program	A program designed to correct any identified problem areas found during the university’s analyses of its personnel practices, policies, and procedures. The program should describe what action is to be taken, who is responsible for performing the action, and when the action will be accomplished. The goal of the program is to remove the identified impediment to equal employment opportunity or otherwise increase the success of the affirmative action program in the identified problem area.



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Term	Definition
Affirmative action	The university's proactive employment efforts to recruit and advance qualified individuals who are minorities (race or ethnicity), women, persons with disabilities, and covered veterans, as required of federal contractors. (OSU is a federal contractor.)
Affirmative action plan	An annual planning process that includes quantitative analyses designed to evaluate the percentage of minorities, women, persons with disabilities, and covered veterans employed throughout the university, and based on these percentages, to assess specific areas where the university can improve its affirmative action outreach, recruiting, and retention efforts.
Applicant	An individual who has applied for a specific position for employment with the university, meets the basic qualifications for the position, is considered by the university for the position, and does not voluntarily remove themselves from consideration for the position.
Compensation	Any payments made to, or on behalf of, an employee or offered to an applicant as remuneration for employment, including, but not limited to, salary, wages, overtime pay, shift differentials, bonuses, commissions, vacation and holiday pay, allowances, insurance, and other benefits.
Essential job functions	Those functions essential to a job, the removal of which would fundamentally alter the position. Job functions may be essential if: (1) the reason the position exists is to perform the function; (2) there are a limited number of employees available among whom the performance of the job function can be distributed; (3) the incumbent in the position is hired for their expertise or ability to perform the particular function; and/or (4) the applicable collective bargaining agreement defines the function as essential.
Equal employment opportunity	All persons have equal employment opportunity free of discrimination regardless of protected class.
Promotion	Any personnel action resulting in the movement to a position affording higher pay, rank, title, or job grade, and often requiring greater skill or responsibility. A promotion may be either competitive or non-competitive.
Protected class	Protected class is defined by federal law/executive order, federal agencies, or Ohio State policy. At Ohio State, the protected classes include: age, ancestry, color, disability, ethnicity, gender, gender identity or expression, genetic information, HIV/AIDS status, military status, national origin, pregnancy, race, religion, sex, sexual orientation, veteran status, or any other bases under the law.
Retaliation	<p>Any adverse action against any person by any other, such as intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.</p> <p>Intimidation, threats, coercion, or discrimination, including charges against an individual for policy violations that do not involve discrimination or harassment, but arise out of the same facts or circumstances as a report or complaint of discrimination, harassment, or sexual misconduct, or a report or complaint of harassment, for the purpose of interfering with any right or privilege secured by this policy, constitutes retaliation.</p> <p>Examples of retaliation include: discrimination or harassment as defined by this policy, job termination, adjustment in pay or responsibilities, or any other action that has an adverse effect on the working environment of an employee, that hinders or prevents an employee from effectively carrying out their university duties, or that has an adverse impact on the academic or living environment of a student. Any person or group within the scope of this policy who engages in retaliation is subject to a separate complaint of retaliation under this policy. A good faith pursuit by a party of civil, criminal, or other legal action, internal or external to the university, does not constitute retaliation.</p>
Unit	College or administrative unit.
Unit leader	Head of college or administrative unit (e.g., dean, senior vice president, president, provost).
University community	For the purposes of this policy, faculty, staff, student employees, graduate associates, employment applicants.



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Policy Details

- I. Affirmative Action
 - A. The university is committed to take affirmative action consistent with federal and state law to increase the employment and retention of individuals in identified underrepresented demographics.
 - B. The university will make good faith efforts for employment outreach (e.g., ensuring job descriptions and postings are nondiscriminatory, sharing opportunities with community groups, and utilizing consistent hiring practices) consistent with federal and state law to decrease underrepresentation.
- II. Equal Employment Opportunity
 - A. The university will provide equal employment for all individuals, regardless of **protected class**.
 - B. All employment practices, including but not limited to recruitment, selection, training, promotion, compensation, and all other management decisions, will provide equal opportunities for all individuals.
 1. Equal employment practices means every **applicant** and employee receives the same opportunity and is subject to consistent processes that are free from discrimination.
 - C. The Office of Institutional Equity (OIE) will partner with the Office of Human Resources (OHR) and respective **units** to effectuate equal employment opportunity requirements.
 - D. The university's commitment to equal employment opportunity applies to all persons involved in its operations and prohibits unlawful discrimination by any employee, including supervisors and coworkers.
- III. Discrimination and Harassment
 - A. The [Non-Discrimination, Harassment, and Sexual Misconduct policy](#) defines discrimination and harassment and outlines related procedures.
- IV. Affirmative Action Plans
 - A. The university will gather and analyze necessary data pursuant to its **affirmative action plans** in accordance with applicable law.
 - B. Affirmative action plans include data for faculty, staff, and employment applicants.
 - C. OIE will partner with OHR and respective units to effectuate affirmative action requirements. Voluntary diversity efforts (e.g., inclusive excellence plans) must align with affirmative action plans.
 - D. Unit-level diversity efforts should be informed by affirmative action plans and affirmative action and equal employment opportunity regulations.
 - E. Records must be kept consistent with the unit's record-keeping and the university [General Records Retention Schedule](#), as well as applicable law.
- V. Recruitment and Hiring
 - A. All qualified applicants will receive consideration for employment without regard to protected class.
 - B. All job postings must be posted in accordance with the [Staff Recruitment and Selection 4.10 policy](#) and [Faculty Recruitment and Selection policy](#).
 - C. All job postings and advertisements also must include the following tagline: "All qualified applicants will receive consideration for employment without regard to age, ancestry, color, disability, ethnicity, gender, gender identity or expression, genetic information, HIV/AIDS status, military status, national origin, pregnancy, race, religion, sex, sexual orientation, or veteran status."
 - D. Best practices for recruitment, hiring, and job postings will be highlighted on the [Talent Acquisition website](#) and will comply with affirmative action and equal employment opportunity requirements.
 - E. Applicants will be provided reasonable accommodation for known physical or mental limitations. See the [Access for Individuals with Disabilities policy](#) for information on reasonable accommodations. Applicants are encouraged to complete and submit voluntary demographic disclosure information during the application process.
 - F. The minimum qualifications included in a job posting must be objective and job-related. See [Talent Acquisition website](#).



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- G. Search committees, recruiters, and all others involved in the recruitment and hiring process must comply with this policy to ensure affirmative action and equal employment opportunity compliance.

VI. Compensation and Promotion

- A. Employees have the right to discuss, disclose, and inquire about compensation and related information.
- B. Compensation decisions and promotions will be granted without regard to protected class.
- C. OIE will partner with OHR Compensation as needed to address compensation and promotion complaints based on protected class.

VII. Accommodations

- A. The university will provide reasonable accommodations for applicants or employees with disabilities to allow them to perform **essential job functions**, in accordance with the [Access for Individuals with Disabilities policy](#).

VIII. Confidentiality and Privacy

- A. The university recognizes the importance of confidentiality and privacy. See the Resources section for a list of confidential support, non-confidential support, and medical resources. Information received in connection with the reporting, investigation, and resolution of allegations will be treated as private and will only involve individuals whom the university determines are necessary to conduct an appropriate investigation, to provide assistance and resources to parties, to perform other appropriate university functions, or in accordance with applicable law.
- B. If an incident is disclosed or reported to the university and the individual requests that no investigation be conducted or disciplinary action taken, the Director of Affirmative Action/EEO or designee(s) will explain that the university prohibits **retaliation** and explain the steps the university will take to prevent and respond to retaliation if the individual participates in a resolution process. The associate vice president of OIE or designee will evaluate the request to determine whether the university can honor the request while still providing a safe and nondiscriminatory environment.
- C. When the university is on notice of behavior that violates this policy or the law, it may be required to proceed with a program review, investigative resolution, or other resolution, irrespective of the individual's desire to withdraw from the process. A decision to proceed despite an individual's request will be made on a case-by-case basis after an individualized review, and the individual will be notified if such a decision is made.
- D. All individuals involved in the process should observe the same standard of discretion and respect for everyone involved in the process.

IX. Process Abuse

- A. It is a violation of this policy for anyone to:
 - 1. Obstruct, prohibit, exert improper influence over, or interfere with any individual making a report, participating in a process, or carrying out a responsibility covered by this policy;
 - 2. Falsify or misrepresent information in or related to a process covered by this policy;
 - 3. Disrupt or interfere with the orderly conduct of any proceeding conducted under this policy; or
 - 4. Fail to comply with any directive issued pursuant to this policy.

PROCEDURE

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I. Reporting

- A. Any **university community** member or individual who is directly involved in, observes, or reasonably believes that this policy has not been followed may submit a report to OIE:
 - 1. Online reporting form at equity.osu.edu



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2. Phone: 614-247-5838
 3. Email: equity@osu.edu
 4. Address: Office of Institutional Equity, St. John Arena, 410 Woody Hayes Dr., Columbus, Ohio 43210
- B. Individuals, including members of the university community, may submit reports anonymously via the following resources:
1. The university's [Anonymous Reporting Line](#), accessible online at ohio-state.ethicspoint.com or via telephone at 866-294-9350
 2. The online reporting form at equity.osu.edu

II. Program Review

- A. To provide a university infrastructure that adheres to affirmative action and equal employment opportunity, the Director of Affirmative Action/EEO or designee(s) may review policies, programs, or units of the university to determine compliance with this policy and applicable laws.
- B. The participation from units and **unit leaders** or designees is essential in completing these reviews.
- C. Following a review or responding to a concern, the unit will partner with the Office of Institutional Equity to develop and implement **action-oriented programs** that will further the principles of affirmative action and equal employment opportunity.

III. Accountability

- A. OIE can refer matters to other university offices as appropriate.
- B. OIE may consult with a unit to proactively rectify an issue related to this policy.
- C. OIE may issue directives when necessary to effectuate this policy.
- D. Investigative resolutions
 1. Investigations of allegations under this policy will be conducted in accordance with the [OIE Process Standards](#).
- E. Other resolutions
 1. The university reserves the right to have educational conversations and conduct informal coaching with anyone covered under this policy outside of the investigative process. Having an educational conversation does not preclude the university's ability to move forward in an investigative resolution process. Such conversations are not considered an informal resolution and are not disciplinary actions.
 2. Other resolutions are not limited to educational conversations and informal coaching.
- F. Corrective action
 1. Corrective actions may be taken pursuant to the [Corrective Action and Involuntary Termination 8.15 policy](#), [Student Employment 10.10 policy](#), applicable collective bargaining agreements, and/or [University Faculty Rule 3335-5-04 as may be applicable](#). Disciplinary corrective actions may include reduction in supervisory duties and leadership responsibilities, changes in salary, demotion, termination, and other appropriate corrective actions.
 2. A record of such corrective action will become a part of the respondent's personnel records and notice will be provided to the respondent.

IV. Certifications, Attestations, and Agency Notification

- A. Units must contact OIE to complete certifications or attestations related to civil rights compliance required for grants and/or funding agreements. A request for certification or attestation should be made by emailing equity@osu.edu seven business days prior to the due date to ensure timely response.

V. University Contracts

- A. All university contracts with vendors, suppliers, and subcontractors must contain the following language: "If applicable, Executive Order 11246, 29 C.F.R. Part 471, Appendix A to Subpart A, and 41 C.F.R. Parts 60-1.4, 60-1.7, 60-4.3 are incorporated. If applicable, SELLER and subcontractor shall abide by the requirements of 41 C.F.R. 60-300.5(a) and 60-741.5(a). If applicable, these regulations prohibit discrimination against qualified veterans and against qualified individuals on the basis of disability, and require affirmative action by



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covered prime contractors and subcontractors to employ and advance in employment qualified veterans and qualified individuals with disabilities.”

VI. Training

- A. All employees who participate in hiring and selection processes must take Affirmative Action/EEO training as directed by the university.

Responsibilities

Position or Office	Responsibilities
Associate vice president of OIE	Evaluate individual requests that no investigation be conducted or disciplinary action be taken regarding reported incidents.
Director of Affirmative Action/EEO	<ol style="list-style-type: none"> 1. Explain prohibition on retaliation to individuals requesting that no investigation be conducted or disciplinary action be taken regarding reported incidents. 2. May review policies, programs, or units to determine compliance with this policy and applicable laws.
Employees who participate in hiring and selection processes	Take Affirmative Action/EEO training as directed by the university.
Office of Institutional Equity (OIE)	<ol style="list-style-type: none"> 1. Partner with OHR and respective units to effectuate equal employment opportunity and affirmative action requirements. 2. Partner with OHR Compensation, as needed, to address compensation and promotion complaints based on protected class. 3. Following a review or responding to a concern, partner with units to develop and implement action-oriented programs.
Office of Human Resources (OHR)	Partner with OIE and respective units to effectuate equal employment opportunity and affirmative action requirements.
OHR Compensation	Partner with OIE, as needed, to address compensation and promotion complaints based on protected class.
Units and unit leaders	<ol style="list-style-type: none"> 1. Partner with OIE and OHR to effectuate equal employment opportunity requirements and affirmative action requirements. 2. Participate in reviews conducted by Director of Affirmative Action/EEO as set forth in the policy. 3. Partner with OIE to develop and implement action-oriented programs, as needed, following a review or responding to a concern. 4. Contact OIE to complete certifications or attestations related to civil rights compliance for grants and/or funding agreements as set forth in the policy.
University	<ol style="list-style-type: none"> 1. Prohibit discrimination against any employee or applicant on the bases set forth in the policy. 2. Take affirmative action consistent with federal and state law to increase employment and retention of individuals in identified underrepresented demographics. 3. Make good faith efforts for employment outreach consistent with federal and state law to decrease underrepresentation. 4. Provide equal employment for all individuals, regardless of protected class. 5. Gather and analyze necessary data pursuant to its affirmative action plans in accordance with applicable law. 6. Provide reasonable accommodations for applicants or employees with disabilities.

Resources

Support and Medical Resources

For information about support resources, including confidential and non-confidential, and medical resources, equity.osu.edu.

For employee religious accommodations, hr.osu.edu/services/elr/

Laws and Executive Orders

Americans with Disabilities Act, dol.gov/general/topic/disability/ada

Age Discrimination Act of 1975, dol.gov/agencies/oasam/regulatory/statutes/age-discrimination-act

Age Discrimination in Employment Act, eoc.gov/statutes/age-discrimination-employment-act-1967



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- Executive Order 11246, dol.gov/agencies/ofccp/executive-order-11246/as-amended
- Genetic Information Nondiscrimination Act, eeoc.gov/statutes/genetic-information-nondiscrimination-act-2008
- Ohio Executive Order 2019-05D, governor.ohio.gov/wps/portal/gov/governor/media/executive-orders/2019-05d
- Ohio Revised Code Section 4112, codes.ohio.gov/orc/4112
- Pregnancy Discrimination Act, eeoc.gov/pregnancy-discrimination
- Rehabilitation Act of 1973, Sections 503 and 504, ada.gov/cguide.htm
- Title VI of the Civil Right Act of 1964, dol.gov/agencies/oasam/regulatory/statutes/title-vi-civil-rights-act-of-1964
- Title VII of the Civil Rights Act of 1964, eeoc.gov/statutes/title-vii-civil-rights-act-1964
- Title IX of the Education Amendments of 1972, justice.gov/crt/title-ix-education-amendments-1972
- Vietnam Era Veterans’ Readjustment Assistance Act of 1974, dol.gov/agencies/ofccp/vevraa/as-amended

University Policies, policies.osu.edu

- Access for Individuals with Disabilities, go.osu.edu/disabilities-policy
- Corrective Action and Involuntary Termination 8.15, hr.osu.edu/policy/policy815.pdf
- Faculty Appointments, oaa.osu.edu/sites/default/files/links_files/facultyappointments.pdf
- Faculty Compensation, oaa.osu.edu/assets/files/documents/facultycompensation.pdf
- Faculty Recruitment and Selection, oaa.osu.edu/assets/files/documents/facultyrecruitment.pdf
- Non-Discrimination, Harassment, and Sexual Misconduct, go.osu.edu/non-discrimination-policy
- Staff Recruitment and Selection 4.10, hr.osu.edu/policy/policy410.pdf
- Student Employment 10.10 , hr.osu.edu/policy/policy1010.pdf

Other Governance Documents

- Code of Student Conduct, trustees.osu.edu/bylaws-and-rules/code
- OIE Process Standards, go.osu.edu/oieprocessstandards
- Rules of the University Faculty, 3335-5-04, trustees.osu.edu/bylaws-and-rules/3335-5

Additional Guidance

- OIE Affirmative Action and Equal Employment Opportunity website, equity.osu.edu/focus-areas/affirmative-action-and-equal-employment-opportunity
- Equal Employment Opportunity Commission, eeoc.gov
- Equal Employment Opportunity and Labor Posters, hr.osu.edu/services/elr
- National Human Genome Research Institute, genome.gov
- National Human Genome Research Institute Genetic Discrimination, genome.gov/10002077
- Notice of Non-Discrimination, go.osu.edu/nondiscrimination-notice
- Talent Acquisition website, hr.osu.edu/services/talent-acquisition

Contacts

Subject	Office	Telephone	E-mail/URL
Policy questions	Office of Institutional Equity	614-247-5838	equity@osu.edu equity.osu.edu
Affirmative action and equal employment opportunity	Director of Affirmative Action/EEO	614-247-5838	aaeeo@osu.edu
ADA questions and reasonable accommodations	ADA Coordinator, Office of Institutional Equity	614-292-6207	ada-osu@osu.edu ada.osu.edu
Workplace accommodations, including coordination of return-to-work and remain-at-work	Integrated Absence Management and Vocational Services, Office of Human Resources	614-292-3439	hr-integrateddisability@osu.edu
Title IX questions	Title IX Coordinator, Office of Institutional Equity	614-247-5838	titleIX@osu.edu titleIX.osu.edu



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History

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Interim Revised:	08/01/2019	Transferred ownership from Office of Human Resources to Office of Institutional Equity
Edited:	11/06/2019	
Interim Revised:	08/14/2020	
Revised:	01/25/2022	Renamed Affirmative Action & Equal Employment Opportunity. Policy now incorporates Equal Employment for Individuals with Disabilities, which is being retired as a standalone policy.
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