

Name of Policy Nondiscrimination

Policy Number: 3364 -50-02

Approving Officer: President

Responsible Agent Equal Opportunity Coordinator

Scope: All University of Toledo Campuses



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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 a disability, genetic information, familial status, political affiliation or participation in protected activities 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

Through this and related policies, the University acknowledges and complies with its duties under Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Age Discrimination in Employment Act of 1967, the Age Discrimination Act of 1975, Sections 503 and 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990, as amended, as well as relevant state and local laws, by setting forth comprehensive frameworks for receiving, processing, investigating, and resolving complaints.

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 (336450-01).)

Harassment Physical, verbal, or nonverbal 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 (336450-01).)

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 misconducts covered by policy 336450-01 and includes sexual harassment, sexual violence, sexual assault, conduct that exploits another person in a sexual and non-consensual way (such as voyeurism and 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 violations of this policy

- (1) The Equal Opportunity Coordinator and Deputy Equal Opportunity Coordinators and their designees are the only members of the University community who are authorized to act upon, investigate, and recommend sanctions or discipline for violations of this policy. Other faculty or staff receiving complaints of discrimination prohibited by this policy must immediately forward them to the Equal Opportunity Coordinator.

- (2) Where and how to file a complaint

Time for filing. Complaints should be reported timely to assure an effective investigation unhampered by faded memories or lost evidence, but in any event not later than 300 days after the last act of alleged discrimination. Individuals who file complaints after this time may request a waiver, in writing to the Equal Opportunity Coordinator, setting forth the reason the complaint was not filed earlier.

Where to file. A complaint can be made by completing a Complaint Form available on the University's website at

The parties have an equal opportunity to present witnesses and evidence during the investigation and resolution processes.

- (b) The investigation generally will be concluded within 45 days after the complaint was received by the Deputy Equal Opportunity Coordinator or designee. This timeframe may be extended if circumstances warrant, such as during school breaks. The Deputy Equal Opportunity Coordinator or designee will notify the parties of any delays and the reason for the delays.
- (c) Complainants, respondents or witnesses may bring on ~~an attorney~~ of their choice to their investigatory interviews. Advisors may be present during investigatory interviews but may not speak, interrupt, or participate in the process and will be asked to leave if they fail to comply. A bargaining unit representative will be permitted to attend and to participate in an interview of a bargaining unit member that may lead to disciplinary action if the bargaining unit member requests. Advisors are expected to make themselves available when meetings are scheduled; meetings will not be rescheduled due to the unavailability of anyone's advisor. The parties and their advisors are not permitted to record, photograph, or audio record meetings or proceedings.
- (d) At the investigation's conclusion, the Deputy Equal Opportunity Coordinator or designee will prepare a concise, written investigatory report that summarizes the

- (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 procedure.

Approved by:

/s/

Sharon L. Gaber, Ph.D.
President

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Enjie Hall, Director of Campus Accessibility and Student Disability Services
Rocket Hall, Room 1820C
Office Phone: 419-530-2522
Office Fax: 419-530-6137
Email: Enjie.hall@utoledo.edu
Mail Stop: 342

Inquiries regarding race, color, religion, sex, national origin, disability, and age discrimination also may be directed to:

Office for Civil Rights
U.S. Department of Education
1350 Euclid Avenue, Suite 325
Cleveland, OH 441155
Telephone: (216) 522-4970
TDD: (800) 877-8339
Email: OCR.Cleveland@ed.gov