

Discrimination and Harassment Based on Protected Class

Policy Number:

8001

Date Created/Revised:

02/15/2018

Executive Responsibility:

Chief Diversity Officer

Vice President for Student Affairs

Functional Responsibility:

Office of Equity and Inclusion

Applies to:

Ohio Administrative Code 3352-1-02

Former Wright Way Policy:

4001

8001.1 Non-Discrimination Policy

1. Policy Statement: Wright State University firmly rejects and prohibits harassment and discrimination on the basis of race, color, religion, age, national origin, national ancestry, sex, pregnancy, gender, gender identity or expression, sexual orientation, military service or veteran status, mental or physical disability, or genetic information in employment, admission, treatment, or access to its programs or activities.

Wright State University is committed to following all applicable state and federal equal opportunity / affirmative action statutes and regulations.

- I. For the purpose of determining whether particular conduct constitutes a violation of Wright State University's Non-Discrimination Policy, the following definitions will be used:

1. Discrimination: Unequal and unlawful treatment, prejudice or prejudicial outlook, action to make a difference in treatment or favor on a basis of one or more protected classes prohibited by law and WSU policy.
2. Harassment: Unwelcome conduct that is severe, pervasive, or persistent and is made either a condition of working or learning or creates a hostile environment. Harassment is a form of discrimination.
3. Retaliation: Subjecting an individual to adverse action for asserting the individual's rights to be free from discrimination and harassment on the basis of one or more protected classes prohibited by law and WSU policy. Retaliation against any member of the Wright State University community as a result of that individual's involvement in the complaint procedure outlined in this policy is prohibited and shall be regarded as a separate and distinct cause for complaint under this policy.

- II. The more severe the conduct the less need there is to show a repetitive series of incidents to demonstrate a violation of this Policy. A single severe incident may be sufficient to demonstrate a policy violation.

2. Title IX Coordinator

- I. Title IX of the Education Amendments of 1972 is a federal law prohibiting discrimination on the basis of sex in higher education. Sex discrimination includes sexual harassment, sexual violence, sexual misconduct, domestic violence, dating violence and stalking.
- II. Wright State University's Title IX Coordinator is Lindsay Wight, Director of the Office of Equity and Inclusion. Ms. Wight can be reached using the information below.

Ms. Lindsay Wight, Director
Title IX Coordinator
Office of Equity and Inclusion

Wright State University
280 University Hall
3640 Colonel Glenn Highway
Dayton, OH 45435
(937) 775-3207 (phone)
(937) 775-3027 (fax)
oei-title9@wright.edu (email)

- III. Additional information regarding Title IX, including the procedure for filing a complaint, is available in Policy [8065 Gender-Based Harassment and Violence](#).
- IV. The roles and contact information for Wright State University's Deputy Title IX Coordinators are listed in Policy 8065.13.

3. ADA / Title II / Section 504 Coordinator

- I. Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973 are federal laws prohibiting discrimination on the basis of a disability by state and local governments and by recipients of federal financial assistance.
- II. Wright State University's ADA/Title II/Section 504 Coordinator is Tom Webb, Director of the Office of Disability Services. Mr. Webb can be reached using the information below.

Mr. Tom Webb, Director
504/Title II ADA Coordinator
Office of Disability Services
Wright State University
180 University Hall
3640 Colonel Glenn Highway
Dayton, OH 45435
(937) 775-5680 (phone)
(937) 775-5699 (fax)
ada@wright.edu (email)

- III. Information for employees and applicants regarding reasonable accommodation requests is available in the Office of Equity and Inclusion.

8001.2 Filing a Complaint of Harassment or Discrimination

1. To file a complaint alleging harassment or discrimination based on disability, please see the University's Disability Discrimination Complaint Procedure: <https://www.wright.edu/equity-and-inclusion/americans-with-disabilities-act/disability-discrimination-complaint-procedure>.
2. Anyone who wishes to file a gender-based harassment and violence complaint should follow the procedure outlined in Policy [8065 Gender-Based Harassment and Violence](#).
3. To file a harassment or discrimination complaint based on any of the other protected classes listed in 8001.1(1), please see the options below.
 - I. Complaints against students or student groups: Complaints of harassment and discrimination based on protected classes in this Policy against students or student groups, including complaints by vendors, contractors, and others who do business with the University and complaints by visitors or guests on campus, should be reported to the Office of Community Standards and Student Conduct (OCSSC). Alternatively, complaints against students or student groups can be reported to the University Police.

Office of Community Standards and Student Conduct
Wright State University

022 Student Union
3640 Colonel Glenn Hwy
Dayton, OH 45435
(937) 775-4240 (phone)
(937) 775-3742 (fax)
studentconduct@wright.edu (email)
<http://www.wright.edu/community-standards-and-student-conduct>

Wright State University Police Department
Wright State University
118 Campus Services Building
3640 Colonel Glenn Hwy
Dayton, OH 45435
911 (emergency phone)
(937) 775-2111 (non-emergency phone)
(937) 775-2056 (office)
(937) 775-3045 (fax)
wsupolice@wright.edu (email)
<http://www.wright.edu/police>

- II. Complaints against faculty, staff or any other non-student/non-student group listed in 8001.3: Complaints of harassment and discrimination based on protected classes in this Policy, including complaints by vendors, contractors, and others who do business with the University and complaints by visitors or guests on campus alleging discrimination by Wright State University employees or alleging that a visitor or guest attending an event sponsored by the University on University-controlled property has been discriminated against, should be reported to OEI. Alternatively, complaints against faculty, staff or any other non-student/non-student group listed in the policy coverage section of this policy can be reported to Human Resources, the Office of the Associate Provost for Faculty and Staff Affairs or to the University Police. Complaints received by Human Resources, the Office of the Associate Provost for Faculty and Staff Affairs, or the University Police Department will be forwarded to OEI for investigation.

Office of Equity and Inclusion
Wright State University
280 University Hall
3640 Colonel Glenn Highway
Dayton, OH 45435
(937) 775-3207 (phone)
(937) 775-3027 (fax)
oei@wright.edu (email)
<http://www.wright.edu/equity-and-inclusion>

Office of the Associate Provost
Wright State University
268 University Hall
3640 Colonel Glenn Hwy
Dayton, OH 45435
(937) 775-3036 (phone)
(937) 775-2421 (fax)
associateprovost@wright.edu (email)

Human Resources
Wright State University
2455 Presidential Drive Suite 221
Fairborn, OH 45324
(937) 775-2120 (phone)
(937) 775-3040 (fax)
human_resources@wright.edu (email)
<http://www.wright.edu/human-resources>

Wright State University Police Department
Wright State University

118 Campus Services Building
3640 Colonel Glenn Hwy
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4. Harassment and discrimination based on a protected class violates federal and state laws and Wright State University policy. A person may wish to exercise complaints to various agencies outside of Wright State University including, but not limited to, the United States Department of Education Office for Civil Rights (OCR), United States Department of Labor (DOL), Equal Employment Opportunity Commission (EEOC) and Ohio Civil Rights Commission (OCRC). Please note that these agencies may have time limits for filing complaints.
 5. Anonymous reports will be accepted; however, the University's options for investigating or resolving anonymous reports may be limited because of the unique challenges presented. OEI reviews and takes appropriate action on all reports including anonymous reports.
 6. A person may file a report by communicating (orally or in writing) their concerns to any of the reporting units listed in this policy within one hundred and eighty days (180) of the last incident of alleged harassment or discrimination.
 7. People with Disabilities: Wright State University will make appropriate arrangements to ensure that people with disabilities are provided accommodations, if needed, to participate in this complaint procedure. Such arrangements may include, but are not limited to, providing interpreters for the deaf or assuring a barrier-free location for the proceedings. The Section 504/ADA Coordinator for WSU will be responsible for such arrangements and can be reached at (937) 775-5680 or ada@wright.edu.
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8001.3 Policy Coverage

This policy applies to all aspects of Wright State's operations and programs. It applies to all University students and employees, including faculty, administrators, all staff, (including classified, unclassified and bargaining unit) and student employees. It also applies to all vendors, contractors, subcontractors, and others who do business with the University. It applies to all visitors or guests on campus to the extent that there is an allegation of harassment or discrimination made against them or made by them against University students or employees or to the extent that there is an allegation that a visitor or guest attending an event sponsored by the University on University-controlled property, or accessing University websites has been discriminated against by being denied access to facilities related to participating in Wright State University programs or activities.

1. Wright State University property includes Dayton campus, Lake Campus, and any other location where employees or students engage in university business or participate in any university sanctioned activity. This policy also applies to harassment or discrimination that occurs outside the educational program or workplace if the conduct negatively affects a person's educational or work environment and the harassment or discrimination is the result of interactions with a person covered under this policy.
2. Nothing in this policy shall be construed to abridge academic freedom and inquiry, principles of free speech, the Collective Bargaining Agreements between Wright State University and the AAUP-WSU, Teamsters Local No. 957, or Fraternal Order of Police/Ohio Labor Council, the right to redress to the Ohio Civil Rights Commission or the Office for Civil Rights, or the university's educational mission.

8001.4 Initial Response to a Report of Harassment and/or Discrimination Filed with and Processed by OEI

1. Upon receipt of a report of harassment and/or discrimination, OEI staff will review the report to ensure that the alleged activity falls within the purview of OEI.
 - i. If it is determined that the alleged activity is not within the purview of OEI, OEI staff will contact the individual who submitted the report and attempt to assist them in identifying an appropriate course of action.
 - ii. If it is determined that the alleged activity does fall within the purview of OEI, OEI staff will contact the individual who submitted the report to request that individual's preferred course of action.
2. Reports alleging harassment and/or discrimination by a student are not within the purview of OEI and will be referred by OEI to the Office of Community Standards and Student Conduct (CSSC) for resolution under the Code of Student Conduct.

8001.5 Types of Resolution of Reports of Harassment and/or Discrimination Filed with and Processed by OEI

1. Formal

- i. Upon receiving a timely filed formal complaint, OEI will conduct an investigation. This complaint procedure contemplates informal but thorough and impartial investigations, affording all interested persons and their representatives, if any, an opportunity to submit information including documentation and the identification of witnesses relevant to a complaint. Any and all information received will be reviewed and all relevant witnesses will be interviewed to reveal the facts of the situation and determine how best to resolve the complaint.

A person(s) accused shall have the right to present information and testimony in an effort to defend actions s/he has taken related to the complaint. This opportunity will be available by alternate means in situations where providing this input otherwise would cause undue harm to another party involved in the process (e.g., a personal confrontation that would have the impact of harassment, intimidation, etc.; would be altered by use of technology, use of a 3rd party to provide the information, etc.).

The person filing the complaint is not expected to prosecute the alleged discrimination claim, but rather OEI will conduct an investigation under the guidelines prescribed in this procedure. Both the person(s) accused and the person filing the complaint will be asked to provide relevant evidence. OEI will review all relevant evidence collected in the investigation and determine whether it is more likely than not that a policy violation has occurred.

- ii. As part of its investigation, OEI will take the following steps:
 1. Write a letter informing the respondent (the individual who is being filed against) of the complainant's (the individual who is filing the report) allegations of harassment and/or discrimination. OEI will send the letter within three (3) business days of receipt of a timely filed formal complaint. Every effort will be made to deliver the letter to the respondent prior to the respondent's meeting with OEI to discuss the allegations.
 2. Schedule meetings with both the complainant and the respondent and individuals who are named by both parties as people who may have knowledge or witnessed the alleged harassment and/or discrimination (witnesses)
 3. Provide both parties with an opportunity to provide documentation and/or other information regarding the allegations
 4. Write a summary, after all interviews are completed, of the information gained and outline whether or not OEI believes that the information presented shows a violation of this Policy.
- iii. The effort to resolve the complaint formally should be completed no less than thirty (30) days from the date the original complaint was received. OEI will issue a written decision on the complaint. A copy of the written resolution will be provided to both the complainant (and alleged victim if different from the

complainant) and the person(s) accused.

- iv. If extenuating circumstances dictate an extension of time, OEI will notify the complainant and person(s) accused in writing of the delay, and an estimate of the time frame for completion of the investigation.
- v. Upon completion of the investigation, the University will provide a prompt, equitable resolution(s) including taking steps to prevent recurrence of any discrimination that it finds has occurred, and to correct the effects of such discrimination on the complainant and others, if appropriate.

2. Informal

- i. If the individual who submitted the report wishes to pursue an informal resolution process OEI will meet with individuals involved to gather information and develop a plan for moving forward.
- ii. The effort to resolve the complaint informally should be completed no less than thirty (30) days from the date the original complaint was received. The participation of the complainant in an informal effort to resolve a complaint is voluntary and the informal process will be adjusted immediately if the complainant wishes to bypass the informal process. To initiate the formal complaint process, the complainant must notify OEI that he/she would like to file a formal complaint in accordance with the formal procedure detailed above. The complainant can elect to pursue the formal procedure at any time, including after the informal procedure has already been initiated.

8001.6 Anti-Retaliation Policy Concerning Reports of Harassment and/or Discrimination Filed with and Processed by OEI

1. Retaliation Prohibited: It is a violation of WSU policy and Federal regulations to retaliate against anyone who files a complaint or cooperates in the investigation of a complaint. Discrimination against any individual because he or she reported harassment or discrimination, or made a complaint, testified, assisted, or participated in any investigation, informal resolution process or proceeding, is prohibited. Coercion or intimidation of, threats toward, or interference with anyone because he or she exercised or enjoyed rights outlined by Wright State University's non-discrimination statement, or helped or encouraged someone else to do so, is also prohibited.
 - i. If an individual believes that they have been retaliated against based on their participation in an OEI formal investigation or informal resolution process, they are encouraged to contact OEI.
 - ii. OEI will investigate the report of retaliation as a separate report and will conduct a separate investigation.

8001.7 Appeal Process Concerning Reports of Harassment and/or Discrimination Filed with and Processed by OEI

The complainant and/or the person(s) accused may appeal OEI's written resolution as follows:

1. If both the complainant and the person(s) accused are students, the appeal will be handled through the Office of Community Standards and Student Conduct pursuant to the Code of Student Conduct. A request for an appeal may be made in accordance with the timeframe set forth in the [Code of Student Conduct](#) and for the reasons set forth in the [Code of Student Conduct](#).
2. If the complainant and/or the person(s) accused is a Wright State University employee, the appeal will be handled by the Chief Diversity Officer. Either the complainant (or the alleged victim if different from the complainant) or the person alleged to have violated this policy may request a review of the written resolution of OEI. A review of the written decision is only available to Wright State University community members. The request for review must be made in writing, stating the reasons for the request and must be forwarded to the Chief Diversity Officer within fifteen (15) days of receiving the written resolution of OEI. The Chief Diversity Officer shall issue a written response to the appeal no later than thirty (30) days after its filing. In the written response from the Chief Diversity Officer, the following possible outcomes will be considered:

- i. Affirm or reverse the decision of OEI.
- ii. Remand the matter back to OEI for additional investigation and a supplementary report based on additional investigation.
- iii. Affirm or recommend modifying the decision of OEI.

If the Chief Diversity Officer concludes that this policy has been violated, such conclusion will instruct OEI to take immediate action to eliminate the harassment or discrimination.
