Policy Prohibiting Harassment and Discrimination

(MUPIM 3.6/OAC 3339-3-06/Student Handbook 5.14/Graduate Handbook 2.16)

3.6.A Harassment and Discrimination Are Prohibited
Respect for human diversity is an essential element of the Miami University community. Miami University strongly opposes and will not tolerate harassment or discrimination on the basis of age, color, disability, gender identity, or expression, genetic information, military status, national origin, pregnancy, race, religion, sex, sexual orientation or protected veteran status in its activities, programs, admission, and employment. This prohibition extends to harassment or discrimination, based on the protected status listed above, including the creation of an intimidating, hostile, or offensive working, educational, or living environment. This Policy is intended to address all forms of prohibited harassment and discrimination except for allegations of sexual harassment, sexual misconduct, interpersonal violence (stalking, dating violence and domestic violence) which are addressed separately in the Title IX Protocol - Sexual Misconduct Policy and Procedures for Students at Miami University and Title IX Protocol - Sexual Misconduct Policy and Procedures for Employees at Miami University.

Harassment and discrimination are illegal. This policy is not intended to impair or limit the right of anyone to seek a remedy available under state or federal law. Legal remedies may be pursued outside Miami University by contacting the Equal Employment Opportunity Commission, the Ohio Civil Rights Commission, the United States Department of Education Office for Civil Rights, or by consulting an attorney at the person's own expense. Under the law, there are various time limits for filing charges outside the University. Persons should contact the agencies listed above or an attorney to determine the applicable time limits.

This policy may in some respects exceed the requirements of applicable law. However, this policy will not be enforced so as to infringe upon First Amendment rights, including the right to academic freedom.

3.6.B Definitions
For the purpose of determining whether particular conduct constitutes a violation of this policy, the following definitions will be used:

**Discrimination**: conduct that is based on a person’s age, color, disability, gender identity or expression, genetic information, military status, national origin, pregnancy, race, religion, sex, sexual orientation or protected veteran status in its activities, programs, admission, and employment that:

1. Adversely affects a term or condition of a person’s employment, education, living environment or participation in a University activity; or
2. Is used as a basis for or a motivating factor in decisions affecting the person’s employment, education, living environment or participation in a University activity.
**Harassment**: conduct that is based on a person's age, color, disability, gender identity or expression, genetic information, military status, national origin, pregnancy, race, religion, sexual orientation or protected veteran status in its activities, programs, admission, and employment that has the purpose or effect of unreasonably interfering with a person's employment or educational experience or creates an intimidating, hostile, offensive working, educational or living environment. The more severe the conduct the less need there is to show a repetitive series of incidents to demonstrate a hostile environment. In fact, a single severe incident may be sufficient to create a hostile environment.

The University will provide, consistent with state and federal law, reasonable accommodations to persons with disabilities and reasonable accommodations for religious practices.

Examples of conduct prohibited by this policy include but are no means limited to taking any of the actions listed below based on a person’s age, color, disability, gender identity or expression, genetic information, military status, national origin, pregnancy, race, religion, sex, sexual orientation or protected veteran status:

1. Denying a person access to an educational program.
2. Denying salary increases and/or promotions
3. Preventing a person from participating in any activity or program or using University facilities or services
4. Instigating or perpetuating an environment that is unwelcome or hostile
5. Subjecting a person to offensive and unwelcome conduct
6. Basing decisions about employment or educational opportunities

### 3.6.C Coverage

This policy applies to all aspects of Miami University’s operations and programs, including regional campuses. It applies to all University students and employees, including faculty, administrators, classified non-bargaining staff, bargaining unit staff, 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 by them against University students or employees. 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.

### 3.6.D Information and Assistance

General information regarding this policy is available at the Office of Equity and Equal Opportunity, Hanna House, Miami University, Oxford, Ohio 45056, (513) 529-7157.

Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act Coordinator- Section 504 and the ADA are federal laws prohibiting discrimination on the basis of disability. The University's Section 504 and ADA Coordinator is Ms. Kenya Ash, Director of the Office of Equity and Equal Opportunity, Hanna House, Miami University, Oxford, Ohio 45056. Ms. Ash may be reached at (513) 529-7157 or ashkd@MiamiOH.edu.

### 3.6.E Retaliation Is Prohibited

Any retaliatory action or conduct taken by any person against a person who has sought relief under this policy is strictly prohibited and will be regarded as a separate and distinct violation of this policy. Examples of retaliatory action include assigning low grades, assigning undesirable teaching or work schedules, and/or giving deflated performance evaluations. This protection against retaliation extends to any person who opposes acts of harassment or discrimination or who testifies, assists, or participates in any manner in an investigation, proceeding, or hearing relative to harassment or discrimination.

### 3.6.F Action
If the University determines that reasonable cause exists to believe that a violation of this policy has occurred, the University will take action to provide appropriate additional relief. This policy provides for reliable and impartial investigation of harassment or discrimination. When harassment or discrimination does occur, the University will take appropriate steps to prevent its recurrence and remedy the discriminatory effect on the complainant (or alleged victim if different from the complainant) and others, as appropriate. The University may also initiate appropriate disciplinary action under Section 3.6.O of this policy.

### 3.6.G Reporting Harassment, Discrimination, or Retaliation - Duty to Report

Any person who believes he/she has been subjected to discrimination, harassment, or retaliation may report the behavior directly to the Office of Equity and Equal Opportunity (OEEO).

All employees who become aware of alleged protected class discrimination or harassment as defined in this policy are required to report it to the Office of Equity and Equal Opportunity. This includes administrators, supervisors, managers, faculty and staff.

Graduate assistants, residential assistants (RAs), orientation leaders (SOULS) and student managers in Housing, Dining, Recreation and Business Services (HDRBS) are also required to report.

**Exemptions:**

1. Employees with a legal privilege of confidentiality under Ohio law (including doctors, licensed counselors, and their staffs) are not required to report when the information is obtained in the course of a confidential communication.

2. Researchers are not required to report if the information is disclosed by a subject during participation in an Institutional Review Board approved human subjects research protocol (IRB Research). The University’s Institutional Review Board (IRB) may, in appropriate cases, require researchers to provide such information to all student subjects of IRB Research.

**Note:** In addition to reporting discrimination and harassment, information regarding alleged retaliation as described in Section 3.6.F must also be reported.

OEEO will conduct a preliminary assessment of the report. The report should not be made to the person who is alleged to be engaging in discrimination, harassment, or retaliation.

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. However, OEEO reviews and takes appropriate action on all reports including anonymous reports.

### 3.6.H Advisors

Any person who reports alleged harassment, discrimination, or retaliation and any person against whom such an allegation is made may be accompanied at all stages of the process described in this policy by an advisor. Advisor means any individual who provides support, guidance, or advice to the accuser or the respondent. The role of the Advisor is only to be present; they will not be provided documentation or permitted to interject during any part of a meeting. If an advisor is determined to be unreasonably interfering with the investigation, he or she may be asked to leave.

### 3.6.I Making a Report of Harassment, Discrimination, or Retaliation


A report may be filed at any time regardless of the length of time between the alleged occurrence and the decision to report. However, the University strongly encourages persons to report promptly in order to facilitate an effective investigation and access to information. A delay in reporting may compromise the investigation.


OEEO may facilitate an informal resolution of the report. An informal resolution of the report does not bar a subsequent formal resolution. The University does not use mediation to resolve reports.

Within thirty (30) calendar days of receipt of a report, OEEO will conduct an investigation to determine whether there is reasonable cause to believe that a violation of this Policy has occurred, including the extent and severity of the violation. The parties will have the opportunity to be accompanied by an advisor, to present information and respond to written reports, and to ask that witnesses be interviewed. At the completion of the investigation, OEEO will issue a written report of its investigation that includes a finding of reasonable cause or no reasonable cause and related recommendations. OEEO’s findings will be based on a preponderance of the evidence. A preponderance of the evidence is the evidence that has the most convincing force; the greater weight of credible evidence. OEEO will consider all information presented. This standard of evidence essentially asks, “Is it more likely than not that our policy was violated?”

A copy of the OEEO report will be given to both the complainant and the respondent. After the OEEO report is issued, both the complainant and the respondent are permitted to review the OEEO investigation file.

3.6.K Review

The complainant and the respondent each have the right to challenge the conclusion in the report by requesting a review by the Associate Vice President for Institutional Diversity. A request for review must allege one or more of the following deficiencies in the investigative report:

- That an alleged material violation of this Policy occurred that resulted in a failure to conduct a reasonably thorough investigation, in which case the matter will be remanded back to OEEO for additional investigation;
- That new evidence exists that was not available at the time of the investigation; or
- The conclusion is clearly erroneous and not supported by the investigation.

Requests for Review must be submitted to the Associate Vice President for Institutional Diversity within five (5) class days of the issuance of the OEEO report. (Note: class days include exam week.)

The Request for Review must be submitted in writing, stating the basis for review and with all supporting materials attached. The Request for Review will be shared with all parties and the OEEO for their response, if any. Responses shall be filed within five (5) class days of the parties’ and OEEO’s receipt of the Request for Review.

The Associate Vice President for Institutional Diversity will issue a written report and share it with all parties and the OEEO.

3.6.L Disciplinary Action

If there has been a finding of reasonable cause and a recommendation that the respondent be subjected to appropriate disciplinary action either in the OEEO report or as a result of a review, the discipline, if any, to be imposed will be determined according to the procedures described in the Student Conduct Regulations, if the respondent is a student; the Ohio Civil Service Law or a collective bargaining agreement then in effect, whichever is applicable, if the respondent is a member of the classified staff; Section 13.7 of the Miami University Policy and Information Manual if the respondent is a member of the unclassified staff; or Section 8.3 of the Miami University Policy and Information Manual, if the respondent is a member of the instructional staff.
If disciplinary action is initiated, the complainant, the respondent, the person or office initiating disciplinary action, and the hearing officer/ body will be entitled to full access to the OEEO investigation file and the file, if any, of the review.

If there has been a finding that reasonable cause exists to believe that a vendor, contractor, subcontractor, visitor, guest or other person who does business with the University has violated this policy, the matter shall be referred to the Vice President for Finance and Business Services for appropriate administrative action.

3.6.M Miscellaneous

The University is committed to addressing all complaints of harassment and discrimination in a prompt and equitable manner. The University uses its best efforts to complete the investigation of all complaints within 30 calendar days. This timeline may be extended based upon the complexity, severity and extent of the alleged violation. The timeline may also be affected by the winter or spring break periods and summer or winter terms. This timeline does not include appeals.

After a report of harassment or discrimination has been made, subsequent time limits specified in this policy may be extended by the Associate Vice President for Institutional Diversity Notice of the extension will be made in writing and will include the reason for the extension. Notification of extension will be made to both the complainant and the respondent.

It is a violation of this policy to knowingly make a false allegation of harassment or discrimination. However, failure to prove a claim of harassment or discrimination is not equivalent to making a false allegation. It is also a violation of this policy for an respondent or other person interviewed by OEEO to knowingly make a false statement.

Revised 2017; Revised 2016; Revised 2015
Accessible Technology Policy

Unmanned Aircraft System (Drones and Model Aircraft)

Title IX Protocol-Sexual Misconduct Policy and Procedures for Students at Miami University

Title IX Protocol-Sexual Misconduct Policy and Procedures for Employees at Miami University

Alcohol and University Property

Policies That Were Revised 2017

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