

 Category: Ethics, Compliance & Community Impact Policy applicable for: Faculty/Staff/ Students/Third- Parties	Policy Title: Non-Discrimination Policy Effective Date: 8/19/2025 (<i>minor revisions</i>) Prior Effective Date: 6/24/2025 Enabling Acts: University Rule 10-13-01 University Rule 40-5-05 Applicable Non- Discrimination Laws/Orders	Policy Number: 10.1.5 Policy Owner: Ethics, Compliance & Community Impact Responsible Office/Unit(s): Office of Equal Opportunity Student Affairs Human Resources Office of the Provost
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I. POLICY

The University of Cincinnati (“University”) is committed to providing a living, learning, and working environment that is free from unlawful discrimination, harassment, and retaliation. The University is also committed to taking appropriate action to address discrimination that creates a hostile environment in a University program or activity. The University prohibits discrimination and harassment in any of its activities, programs, admissions, or employment on the basis of age, ancestry, color, disability, gender identity and/or expression, genetic information, military status (including veteran status), national origin (including shared ancestry or ethnic characteristics), parental status (including status as a nursing mother and status as a foster parent), pregnancy, race, religion, sex, sexual orientation, or any other status protected by law (each a “protected class”).

The University will administer this Policy in compliance with applicable laws, orders, and the First Amendment of the U.S. Constitution, and equivalent Ohio law.

II. SCOPE AND JURISDICTION

This Policy applies to alleged discrimination, harassment, or retaliation (as defined herein) on the basis of age, ancestry, color, disability, gender identity and/or expression, genetic information, military status (including veteran status), national origin, parental status (including status as a nursing mother and status as a foster parent), pregnancy, race, religion, sex, sexual orientation, or any other status protected by law, except as specifically noted below, in any of the University’s activities, programs, admissions, or employment.

This Policy does not apply to alleged harassment on the basis of gender identity or expression, parental status (including status as a nursing mother and status as a foster parent), pregnancy, sex, or sexual orientation, which are subject to the Title IX Sexual Harassment Policy or the Sex-and/or Gender-Based Harassment Policy.

This Policy does not apply to unlawful discrimination, harassment, and retaliation subject to the Title VI Policy.

This Policy applies to University employees, students, and third-parties. This Policy will be administered by the Office of Equal Opportunity (“OEO”), or its designee, pursuant to the procedures set forth herein and will conform to the University’s Student Code of Conduct, collective bargaining agreements, and other applicable University policies and agreements.

III. DEFINITIONS

Business Day	Any day in which normal University business operations are conducted, which are Monday through Friday from 9 a.m. to 5 p.m. local time and excludes weekends, holidays, and other office closures recognized by the University.
Complainant	An individual alleged to have been subjected to conduct that could constitute discrimination, harassment, and/or retaliation under this Policy.
Discrimination	Any unlawful distinction, preference, or adverse treatment of an individual or group of identifiable individuals based on their protected class or perceived protected class that is sufficiently serious to unreasonably interfere with or limit participation in, access to, or benefit from University education or employment programs or activities. This form of discrimination is identified as “adverse treatment” discrimination. Discrimination may also include facially neutral conduct that has the unjustifiable effect of disproportionately impacting individuals based on their protected class. This form of discrimination is identified as “adverse impact” discrimination.
Harassment	In the employment context, harassment is unwelcome verbal or physical conduct based on a protected class or perceived protected class that unreasonably interferes with an individual’s work performance or creates an intimidating, hostile or offensive work environment. In the education context, harassment is unwelcome verbal or physical conduct based on a protected class or perceived protected class that interferes with, denies, or limits an individual’s ability to participate in or benefit from the University’s programs or activities. Harassment can take two forms – quid pro quo or hostile environment: A. Quid pro quo harassment exists when: 1. There are unwelcome requests or demands based on a protected class, which may include but are not limited to unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature; and 2. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or academic status; or

	3. Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions adversely affecting such individual. B. Hostile environment harassment exists when: 1. Employment context: any situation in which there is harassing conduct based on a protected class that is sufficiently severe or pervasive such that it unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment. 2. Education context: any situation in which there is harassing conduct based on a protected class that is subjectively and objectively offensive; and so severe or pervasive that it limits or denies an individual's ability to participate in or benefit from the University's education program or activity. The determination of whether an environment is "hostile" is based on a totality of circumstances. These circumstances may include context, nature, scope, frequency, duration, location of the harassment, and the identity, number, age, and relationships of the persons involved. Harassing conduct need not always be targeted at a particular person to create a hostile environment. The conduct may be directed at anyone, and the harassment may also be based on association with others of a different protected class. A single complainant may experience a hostile environment when the conduct of multiple individuals, taken together, meets the definition above. A single or isolated incident of harassment may be severe enough to create a hostile environment. Minor slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of harassment.
Party or Parties	Refers to either the complainant(s) or respondent(s). "Parties" refers to both the complainant(s) and the respondent(s).
Program or Activity	Includes locations, events, or circumstances over which the University exercises substantial control over both the respondent and the context in which the discrimination or harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the University. This includes conduct that occurs off campus, including on social media, if that conduct results in an individual being excluded from participating in, being denied the benefits of, or being subjected to discrimination under any University program or activity.
Report	A verbal or written account of an alleged or suspected violation of this Policy by any person submitted pursuant to the reporting section set forth in this Policy.

Respondent	An individual who is alleged to have engaged in conduct that could constitute discrimination, harassment, and/or retaliation under this Policy.
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IV. REPORTING

A. Making a Report

All individuals who are directly involved in, who observe, or who receive information that discrimination, harassment, or retaliation in violation of this Policy may have occurred can report such allegations. The University will assess each reported incident to determine whether the report falls under the jurisdiction of this Policy.

B. Where to Make a Report

1. Office of Equal Opportunity (“OEO”): Reports should be made to OEO by phone, email, or via the online reporting form:

Office of Equal Opportunity
(513) 556-3349
eooffice@uc.edu
[Online Reporting Form](#)

Any University unit or department that receives a report involving an alleged or suspected violation of this Policy should forward the report to OEO. OEO will coordinate with other appropriate University departments or units (e.g., Office of Student Conduct and Community Standards, Office of the Provost, and/or Human Resources) to address applicable University rules, policies, employment agreements, and/or collective bargaining agreements that may be applicable.

2. Anonymous Reports: A report may be submitted anonymously via EthicsPoint by phone or the electronic submission form:

EthicsPoint Anonymous Reporting Hotline
(800) 889-1547
[Electronic Submission Form](#)

The University will review and take appropriate action on anonymous reports. Note that anonymous reporting may limit the University’s ability to conduct and complete an investigation. Additionally, during the course of an investigation, it may be possible to determine who made the report, even if the reporter excluded their name or other identifying information.

3. Reports to Law Enforcement: Reports may be made simultaneously to law enforcement and to OEO. These processes are separate and distinct from one another but can run concurrently. Reports may be made by visiting UCPD in person or by phone:

University of Cincinnati Police Division
Three Edwards Center
51 West Corry Blvd.

Cincinnati, OH 45221-0215
Phone: (513) 556-1111

Any immediate safety concerns should be reported to law enforcement as soon as possible by dialing 911.

C. False Reporting

False reporting is making an intentionally inaccurate report or accusation in relation to this Policy. False reporting does not include a report or accusation, which, even if erroneous, is made in good faith. False reporting is a serious offense subject to appropriate disciplinary action up to and including dismissal or termination.

V. SUPPORTIVE MEASURES

Supportive measures are available to individuals involved or affected by conduct reported under this Policy. Supportive measures are non-disciplinary, non-punitive, individualized services designed to restore or preserve equal access to the University's education program or activity, without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational or employment environment, or deter violations of this Policy. Supportive measures include, but are not limited to: counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus safety escort services, mutual restrictions on contact between the parties and/or other parties ("mutual no-contact orders"), changes in work or housing arrangements, leaves of absence, increased security and monitoring of certain areas of campus, and other similar measures.

Supportive measures are available upon receipt of a report of conduct alleged or suspected to be in violation of this Policy as reasonable and appropriate. Individuals who would like to request supportive measures should contact OEO.

Individuals who experience difficulty obtaining supportive measures that have been approved should contact OEO.

Supportive measures may continue to be available during an individual's enrollment/employment with the University. Individuals may elect to change or end their supportive measures at any time by providing written notice to OEO.

VI. PROCEDURES

A. Commencement of an Investigation

Investigations will be conducted in compliance with the applicable provisions of the Policy and any other applicable University rules and policies, including employment agreements and collective bargaining agreements, and for investigations relating to a respondent who is a student, investigations will commence in compliance with the Student Code of Conduct.

B. Presumption of Not Responsible and Equal Treatment

Complainants and respondents shall be treated equitably and credibility determinations may not be based on a person's status as a complainant, respondent, or witness. There is a presumption

that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made pursuant to the Policy.

C. Standard of Review

The standard of review to be used to determine if a violation of the Policy has occurred is the preponderance of the evidence standard. This standard does not preempt any differing standard set forth in any applicable collective bargaining agreement.

D. Conflicts of Interest

No individual designated by the University as the investigator may have a conflict of interest or bias for or against complainants or respondents, generally or individually.

If either party believes that there is a conflict of interest or bias with the assigned investigator that may adversely impact an investigation, such concern should be submitted in writing to the Vice President of Ethics, Compliance & Community Impact, or designee. If the Vice President of Ethics, Compliance & Community Impact, or designee, determines there is no conflict of interest, the investigation will proceed without a change to the investigator. If a determination is made that a conflict of interest exists, the Vice President of Ethics, Compliance & Community Impact, or designee, shall appoint a different individual to conduct the investigation.

E. Advisors

Parties and witnesses may elect to have an advisor of their choice. An advisor may consult with a party/witness verbally or in writing in a quiet, non-disruptive manner; however, the advisor may not participate as a spokesperson or vocal advocate. Parties/witnesses are required to notify the investigator at least three (3) business days prior to any meeting if the advisor is an attorney. The investigation process will not be delayed to accommodate an advisor's schedule. Therefore, a party/witness should select an advisor whose schedule permits attendance at the scheduled date and time. Advisors may not be present without any party/witness who is not in attendance at the meeting.

F. Notice

Written notice will be provided to both the complainant and respondent when an investigation is initiated. OEO will consult with other University offices, if necessary, to determine which office will provide the written notice to the complainant and respondent.

G. Gathering of Evidence

After sending written notice to the parties, the investigator will begin the investigation process. Each party will have an opportunity to be interviewed, provide written statements, present witnesses, and provide other relevant evidence to the investigator. Each party should note that the investigator's ability to obtain relevant evidence may be limited by certain factors (e.g., the investigator cannot issue subpoenas). Therefore, the investigator relies on the parties to provide witness names and relevant evidence.

To provide a fair and impartial resolution of complaints, it is expected that individuals who serve as witnesses will be cooperative, honest, and forthright. Cooperation includes providing accurate information and evidence, if requested. A student may choose not to participate as a witness in

an investigation. For employees, if a party requests that an employee participate in an investigation, participation is at the requested employee's discretion. However, if OEO determines that an employee's participation is necessary as part of its investigation, OEO may require the employee to participate in accordance with any applicable policies, employment agreements, and/or collective bargaining agreements. Any questions regarding an employee's obligations to participate in an investigation should be directed to the appropriate office (i.e., Human Resources for employees, the Office of the Provost for represented faculty).

H. Preliminary Investigative Report

Both parties shall have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the complaint so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. The parties will be provided with this evidence in the preliminary investigative report, but not any time prior. The preliminary investigative report will be simultaneously distributed to the parties. The parties will have at least ten (10) business days to submit a written response, which the investigator will consider prior to completion of the investigation report.

I. Final Investigative Report

OEO will distribute the final investigative report to all parties. Reports relating to a student respondent will not contain any findings or conclusions and will be forwarded to the Office of Student Conduct and Community Standards. Reports relating to an employee or third-party respondent will contain findings and conclusions and will be forwarded to the appropriate office (i.e., Human Resources, Office of the Provost).

J. Post-Report Process

Following distribution of the final investigative report, any additional process available shall be conducted in accordance with established University policies and procedures, the Student Code of Conduct, applicable collective bargaining agreement, or other applicable agreement.

K. Sanctions

Students found to have engaged in discrimination, harassment, or retaliation in violation of the Policy are subject to a range of sanctions as set forth in the Student Code of Conduct.

Employees found to have engaged in discrimination, harassment, or retaliation in violation of the Policy may be subject to discipline as set forth in the University's Human Resources policies and procedures, applicable collective bargaining agreement, or any applicable individual employment agreement.

VII. INFORMAL RESOLUTION PROCESS

Informal resolution is a voluntary process through which all parties, including the University, must consent to work toward resolution of a matter without going through the investigation process. Parties may agree to engage in informal resolution at any time prior to the adjudication of the complaint. An investigation may be deferred while the parties pursue informal resolution. The University reserves the right to end an informal resolution process if, in its discretion, there is not substantial progress toward resolution. Neither party, nor the University, shall be precluded from

withdrawing their consent to participate in the informal resolution process at any time prior to reaching an agreed-upon informal resolution.

For reports alleging incidents of disability discrimination, individuals may choose to informally resolve their concerns via the Section 504/ADA Grievance Procedure. In the event informal resolution is determined to be appropriate for a report of disability discrimination made to the Office of Equal Opportunity, the Office of Equal Opportunity may refer the report for processing pursuant to the Informal Resolution Process of the Section 504/ADA Grievance Procedure.

VIII. CONFIDENTIALITY

The University recognizes the importance of confidentiality. To the extent possible, all information received in connection with the reporting, investigation, and resolution of conduct covered under this Policy will be treated as confidential except when necessary to conduct an appropriate investigation, to provide assistance and resources to University community members, to perform other appropriate University functions, or when the University is compelled to produce information in accordance with applicable law and/or other controlling authority. Confidentiality is not the equivalent of anonymity and will be limited during the investigation and resolution process.

IX. PROHIBITION AGAINST RETALIATION

The University prohibits retaliation against an individual for reporting in good faith alleged or suspected violations of this Policy, for the individual's good faith participation in an investigation related to this Policy, or for otherwise asserting protected rights in good faith.