

The following is an overview of revisions to the **Access for Individuals with Disabilities** policy.

- Integrates the Access for Individuals with Disabilities policy and the Reasonable Accommodation policy and portions of the Equal Employment for Individuals with Disabilities policy into a comprehensive policy to address access for individuals with disabilities across the university including employees, students, patients, and visitors. (The Reasonable Accommodation policy and the Equal Employment with Disabilities policy will be retired.)
- Restructures the policy to conform to the university policy template.
- Revises the policy introduction to read: “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 diversity and improves opportunities for all, including all qualified individuals with disabilities. As part of this commitment, policies and procedures will ensure that persons with disabilities are not subjected to discrimination or denied full and equal access to programs offered by the university based on their disability. The university will ensure that persons with disabilities are provided with reasonable accommodations. 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.” (POLICY, p. 1)
- Adds purpose of the policy language to read: “To provide an inclusive and accessible university environment for all qualified individuals with disabilities.” (Purpose of the Policy, p. 1)
- Adds definitions: “disability,” “fundamental alteration,” “interactive process,” “major life activity,” “plain language accommodation request,” “program,” “qualified individual with a disability,” “reasonable accommodation,” “substantially limits,” “undue hardship,” “unit,” and “unit leader.” (Definitions, pp. 1-2)
- Clarifies all applicable programs and services covered under the policy (Policy Details I, p. 2).
- Clarifies and updates the rights and responsibilities of both the qualified individual with a disability and the university. (Policy Details II.B, pp. 2-3)
- Establishes confidentiality and privacy guidelines during the accommodation process. (Policy Details III, p.3)
- Clarifies and outlines the process for an individual to make an accommodation request. (Procedure I.B, pp. 3-4)
- Outlines training and technical assistance offered or mandated by the ADA Coordinator's office and other designated offices. (Procedure II, p.4)
- Institutes an audit process to determine compliance with this policy. (Procedure III, p.4)
- Provides a clear process to report a barrier to access. (Procedure IV, p.4)
- Adds accountability and clarifies that individuals will be held accountable for their actions in accordance with applicable policies and rules (Student Code of Conduct, Faculty Rule 3335-5-04, etc.) and clarifies that the ADA Coordinator’s office provides oversight of accountability as it relates to this policy. (Procedure V, pp. 4-5)

The following is an overview of the revisions to the **Affirmative Action & Equal Employment Opportunity** policy:

- Changes policy name from Affirmative Action, Equal Employment Opportunity, & Non-Discrimination/Harassment to Affirmative Action & Equal Employment Opportunity. Incorporates portions of the Equal Employment for Individuals with Disabilities policy, which will be retired.
- Updates the applies to section to align with the employment focus of this policy.
- Revises the purpose of the policy language to read: “To create an environment where all people have an equal opportunity to apply for and participate fully in the university employment.” (Purpose of the Policy, p. 1)
- Adds and updates definitions, most notably for “action-oriented program,” “affirmative action,” “compensation,” “essential job functions,” “promotion,” “unit,” and “unit leader.” (Definitions, pp. 1-2)
- Adds a link to the proposed Non-Discrimination, Harassment, and Sexual Misconduct policy, as the discrimination and harassment portions of the current Affirmative Action, Equal Employment, & Non-Discrimination/Harassment policy are moving to that policy. (Policy Details III, p. 3)
- Clarifies what affirmative action plans are and how they interplay with unit-level diversity efforts. (Policy Details IV, p. 3)
- Clarifies recruitment and hiring expectations, such as considering all applicants for employment without regard to protected class, including a revised tagline in job postings and advertisements, and noting other applicable policies (e.g., [Staff Recruitment and Selection 4.10 policy](#) and [Faculty Recruitment and Selection policy](#), and Access for Individuals with Disabilities). (Policy Details V, pp. 3-4)
- Adds a section on compensation and promotion, which notes that employees have the right to discuss, disclose, and inquire about compensation and related information, and compensation and promotion must be granted without regard to protected class. (Policy Details VI, p. 4)
- Clarifies that OIE will partner with the Office of Human Resources to address complaints of compensation and promotion based on protected class. (Policy Details VI, p. 4)
- Incorporates elements of the Equal Employment for Individuals with Disabilities policy, which is being retired as a standalone policy. Notes that the university will provide reasonable accommodation for an applicant or employee with a disability to allow them to perform essential job functions. (Policy Details VII, p. 4)
- Establishes a program review, which is an opportunity to work with a unit to review its policies and programs for compliance with this policy and applicable law and develop an action-oriented program. (Procedure II, p. 5)
- Establishes a process for certifications, attestations, and agency notification related to civil rights compliance. (Procedure IV, p. 5)
- Provides language to include in university contracts to adhere to applicable affirmative action and equal employment laws. (Procedure V, pp. 5-6)
- Establishes that all employees who participate in a hiring process must take Affirmative Action/EEO training as directed by the university. (Procedure VI., p. 6)

The following is an overview of the revisions to the **Non-Discrimination, Harassment, and Sexual Misconduct** policy:

- Changes policy name from Sexual Misconduct to Non-Discrimination, Harassment, and Sexual Misconduct to reflect the fact that the proposed policy now addresses discrimination and harassment based on all protected classes.
- Incorporates discrimination/harassment information from the current Affirmative Action, Equal Employment Opportunity & Non-Discrimination/Harassment policy, which is being revised to address only affirmative action and equal employment opportunity. (The proposed Affirmative Action and Equal Employment Opportunity policy is also open for review and comment.)
- Replaces “sexual misconduct” with “discrimination, harassment, and/or sexual misconduct” throughout.
- Removes the word “formal” from “formal complaint” throughout.
- Revises the purpose of the policy language to read: “To maintain a university environment free from discrimination, harassment, and sexual misconduct.” (Purpose of the Policy, p. 1)
- Adds and updates definitions, most notably for “discrimination,” “harassment,” “OIE director,” “prohibited relationships,” and “protected class.” Changes sexual harassment (non-Title IX) to sexual harassment (university definition). (Definitions, pp. 1-6)
- Clarifies that Title IX complaints refer to matters that fall within the scope of the procedural requirements provided by 34 C.F.R. §106.45. (Policy Details I.B.2.d, p. 7)
- Clarifies prohibited relationships and includes an advisory statement and information regarding alternative arrangements and related accountability. Accountability outlines that OIE will handle allegations of prohibited relationships that have elements of sexual misconduct, and other allegations of prohibited relationships will be referred to the Office of Human Resources. (Policy Details II, pp. 7-8)
- Institutes an employee duty to report for all forms of discrimination/harassment and prohibited relationships to mirror the existing duty to report for sexual misconduct. Any human resource professional, supervisor, chair/director, and faculty member must report discrimination, harassment, and prohibited relationships to OIE. (Policy Details III, pp. 8-9)
- Clarifies that there may be instances where OIE moves forward with an investigative or other resolution without the participation of a complainant. The complainant will be notified if such a decision is made. (Policy Details V, p. 10; Policy Details VIII, p. 12; and Procedure II, p. 16)
- Clarifies that OIE reviews all reports under this policy under the direction of the OIE director for an initial assessment of the reported information. The OIE director will determine the available resolution options, which will be guided by the availability of information or evidence suggesting that a policy violation may have occurred, among other considerations. (Policy Details VIII.A, p. 12)
- Clarifies “Allegations of process abuse will be investigated as provided in OIE Process Standards.” (Policy Details XII.C, p. 15)
- Moves language that is required by law into the policy: “Evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant, unless such evidence about the complainant’s prior sexual behavior is offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the evidence concerns specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent.” (Procedure III.C.3.a, p. 17)



- Adds that exculpatory evidence may include evidence that a party acted in self-defense. (Procedure III.C.3.b, p. 17)
- Removes the following bases for appeal: “The sanction is clearly inappropriate and is not commensurate with the seriousness of the offense.” (Procedure VIII, pp. 19-20)
- Clarifies the following for appeals: “Additional bases may apply for matters involving a faculty member respondent in accordance with University Faculty Rule 3335-5-04.” (Procedure VIII.A.4, p. 19)



The following is an overview of the revisions to the **Youth Activities and Programs** policy:

- Changes title from Activities and Programs with Minor Participants to Youth Activities and Programs.
- Replaces “minors” with “youth” throughout the policy.
- Removes the term “appointees” from the policy.
- Adds “program administrator” and “program personnel” as defined terms and breaks out different types of youth activities and programs (in person, virtual, hybrid). (Definitions, pp. 1-2)
- Breaks out virtual and hybrid activities and programs in policy throughout to clarify expectations. (Policy Details, I.B, p. 2; Procedure III, p. 4)
- Simplifies the procedure for reporting child abuse and neglect in the Reporting section. (Procedure II, p. 3)
- Outlines background check requirements for virtual activities and programs. (Procedure III.B, p. 4)
- Clarifies language in Training section. (Procedure IV, pp. 4-5)
- Revises language to improve clarity throughout.
- Updates the Resources and Contacts sections. (pp. 6-7)
- Clarifies the exemption process is for specific programs and not individuals. (Procedure VII, pp. 5-6)



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