
Ohio Arts Council

Equal Employment Opportunity, Anti-Discrimination, Harassment, and Retaliation, and Reporting Policy

No:

EEO-3

Effective:

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Issued By:



Donna S. Collins, Executive Director

1.0 Purpose

The purpose of this policy is to emphasize that ***discrimination, discriminatory harassment, and retaliation*** will not be tolerated in the workplace and to establish procedures for state employees to report claims of discrimination, discriminatory harassment, and/or retaliation.

This policy is not intended to be a complete statement of federal and/or state law, or an employee's rights regarding discrimination, discriminatory harassment, and retaliation. As always, an employee should seek the counsel of an attorney for questions regarding the law and the rights thereby accorded. Bargaining unit employees may also be represented by their unions.

A glossary of terms in this policy is located in Appendix A – Definitions. The first occurrence of a defined term is in ***bold italics*** and linked to Appendix A. To go directly to a term's definition, click on the bold and italicized term. To return to the body of the policy, click on the defined term.

2.0 Policy

It is the policy of the **Ohio Arts Council** (“agency”) to maintain a working environment free from discrimination, discriminatory harassment, and retaliation. Further, it is the policy of the **Ohio Arts Council** to prohibit discrimination, discriminatory harassment, and retaliation of applicants and employees due to race, color, religion, sex/gender, gender identity or expression, national origin (ancestry), military status (past, present, or future), disability, age (40 years of age or older), status as a parent during pregnancy and immediately after the birth of a child, status as a parent of a young child, status as a foster parent, genetic information, and/or sexual orientation in making certain employment-related decisions including, but not limited to hiring, layoff, termination, transfer, promotion, demotion, rate of compensation, and/or eligibility for in-service training programs. Moreover, **the Ohio Arts Council** may not retaliate against anyone who exercises a protected right under equal employment opportunity (EEO) laws, including making a complaint or participating in an investigation.

- 2.1 **Procedures for Reporting Claims of Discrimination, Discriminatory Harassment, and/or Retaliation:** Any employee or applicant for employment who believes that they are a victim of discrimination, discriminatory harassment, or retaliation based on race, color, religion, gender, gender identity or expression, national origin (ancestry), military status (past, present, or future), disability, age (40 years of age or older), status as a parent during pregnancy and immediately after the birth of a child, status as parent of a young child, status as a foster parent, genetic information, and/or sexual orientation should report the incident(s) to: 1) the employee's supervisor; 2) the agency Equal Employment Opportunity (EEO) officer and/or human resources manager; 3) the Department of Administrative Services, Equal Opportunity Division (DAS-EOD); 4) the Ohio Civil Rights Commission (OCRC); 5) and/or the Equal Employment Opportunity Commission (EEOC).

Any employee who believes that they have been subject to harassment is encouraged to inform the potential harasser that their conduct is unwelcome, directly or indirectly, and as soon as practical and safe. It is everyone's responsibility to maintain a workplace free from harassment, and to speak up if harassment is occurring. The aggrieved individual should then report such incident(s) to: 1) the employer's supervisor, 2) the agency EEO officer and/or human resources manager, 3) DAS-EOD, 4) OCRC, and/or 5) the EEOC.

- 2.2 **Responsibility:**

Manager/Supervisor: A manager or supervisor who receives a report of discrimination, discriminatory harassment, or retaliation, must immediately report the complaint to the Agency EEO Officer. While the report cannot be kept strictly confidential, the information reported shall only be communicated as necessary to investigate and take appropriate action.

Employees: Employees shall assist in the Agency's effort to achieve equal employment opportunity and to maintain a harassment and discrimination free environment. Any employee who receives a complaint of harassment or discrimination must immediately report the complaint to the Agency EEO Officer.

Agency EEO Officer: The agency EEO officer will conduct a prompt, thorough, and objective investigation, including interviews of witnesses and formal written reports or findings. While the information obtained cannot be kept strictly confidential, the information reported shall only be communicated as necessary to investigate and take appropriate action.

The Agency: The Agency will promote equal employment opportunity and maintain a harassment and discrimination free environment. The Agency is required to adopt an internal policy and procedures outlining a process for reporting and resolving claims of EEO violations.

2.3 **Methods and Timelines for Reporting:**

An employee or applicant for state employment who believes they have experienced harassment, discrimination, or discriminatory retaliation may report the incident to one or all of the following:

- *Ohio Department of Administrative Services, Equal Opportunity Division (EOD):* Filing with EOD can be done through the Agency EEO Officer or directly by calling (614) 466-8380 or visiting www.das.ohio.gov/Divisions/EqualOpportunity. This filing must occur no later than thirty (30) days from the date of the last alleged discriminatory incident.
- *Ohio Civil Rights Commission (OCRC):* Filing with OCRC can be done by calling (614) 466-7742, by visiting www.crc.ohio.gov, or by mail to: 30 E. Broad Street, Fifth Floor, Columbus, Ohio 43215 or a regional office. This filing must occur no later than six (6) months from the date of the last alleged discriminatory incident.
- *Federal Equal Employment Opportunity Commission (EEOC):* Filing with the EEOC can be done by calling (800) 669-4000, visiting www.eeoc.gov, or by mail to: 1240 E. 9th Street, Suite 3001, Cleveland, Ohio 44199. This filing must occur no later than three hundred (300) days from the date of the last alleged discriminatory incident.

- 2.4 **Enforcement:** Discrimination, discriminatory harassment, and retaliation will not be tolerated. Such conduct is subject to discipline, up to and including termination. Supervisory employees are advised that they may be subject to personal liability for acts of discrimination, discriminatory harassment, and/or retaliation and may be responsible for providing their own legal defense.

In addition to enforcement authority vested in DAS-EOD, each agency is responsible for implementing and enforcing this policy. Agencies must develop internal policies and procedures for reporting discrimination, discriminatory harassment, retaliation, and/or other offensive behavior under the guidance of DAS-EOD. This policy and each agency's specific policy must be disseminated to all employees and included in all orientation materials and employee handbooks. Ideally, each agency's internal policies and procedures should be disseminated to each employee on an annual basis.

3.0 **Authority**

ORC 124.04, Chapter 4112; OAC 123:1-49; DAS HR-D-14; Executive Order 2019-05D

This policy supersedes any previously issued directive or policy and will remain effective until canceled or superseded.

4.0 **Revision History**

Date	Description of Change
11/28/2014	Last effective/issue date.
10/27/2011	Last replacement date; policy reissued and reaffirmed.

5.0 Inquiries

Direct inquiries about this policy to:

Jim Szekacs (614-428-4449 or jim.szekacs@oac.ohio.gov)

or

Equal Opportunity Division
Ohio Department of Administrative Services
4200 Surface Road
Columbus, Ohio 43228

614.466.8380 | das-eod.aaeoo@das.ohio.gov

Appendix A – Definitions

- a. **Discrimination**. Discrimination occurs when an adverse employment action is taken based on the employee or applicant's status as a member of a protected class. There are two forms of discrimination:
 - **Disparate Treatment** – Disparate treatment occurs when an employer intentionally treats an employee differently because of their protected class.
 - **Disparate Impact** – Disparate impact occurs when an employment policy, although neutral on its face, adversely impacts persons in a protected class.
- b. **Discriminatory Harassment**. Unwelcome conduct based on a protected class, such as race, sex, religion, etc. Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Harassment can be verbal and/or physical and can include name calling, slurs, jokes, gestures, leering, stalking, grabbing, and/or assault. This is not an exhaustive list of all harassing behaviors.
- c. **Retaliation**. The act of punishing an employee or applicant for asserting their rights under EEO laws to be free from employment discrimination, including harassment. This includes retaliation against an individual who requested an accommodation; filed, testified, or participated in a discrimination investigation, proceeding, or lawsuit; or opposed

employment practices that they reasonably believed discriminate against individuals. A claim of retaliation is based on objective and non-discriminatory criteria.

- d. **Complainant.** An individual who makes the discrimination, discriminatory harassment, or retaliation complaint.

Appendix B – Resources

Resource Name
EEO Complaint Process, including contact information regarding where to file a complaint: http://das.ohio.gov/Divisions/EqualOpportunity/AffirmativeActionEqualEmploymentOppor-tunity/DiscriminationComplaintManagement.aspx