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## Prohibiting Harassment and Discrimination

Scope: Employees, Students, Visitors and Vendors are covered by this policy.

*Students • Employees • Visitors*

## Prohibiting Harassment and Discrimination

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### Policy

#### Harassment and Discrimination Are Prohibited

Respect for human diversity is an essential element of the Miami University community. Members of the Miami University community have the right to an

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creating an environment that denies others a suitable working, living, or educational environment. 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 (ancestry), pregnancy, race, religion, sex/gender, status as a parent or foster parent, 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 [Sexual Misconduct Protocol for Students](#) and [Sexual Misconduct Protocol for Employees and Other Non-Students 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

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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 (ancestry), pregnancy, race, religion, sex/gender, status as a parent or foster parent, 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.

Examples of conduct prohibited by this policy include but are not 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 (ancestry), pregnancy, race, religion, sex/gender, status as a parent or foster parent, sexual orientation or protected veteran status (Protected Class 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; or



**Harassment:** Harassment is unwelcome conduct that is based on a person's Protected Class Status-age, color, disability, gender identity or expression, genetic information, military status, national origin (ancestry), pregnancy, race, religion, sex/gender, status as a parent or foster parent, sexual orientation or protected veteran status.

Harassing conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance.

Harassment becomes a violation of this Policy when 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is sufficiently severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. For conduct to constitute harassment it must be more than offensive; it must be so severe or pervasive that it effectively denies the victim access to the University's programs or activities or unreasonably interferes with the victim's working, educational or living environment.

## **Coverage**

This policy applies to all aspects of Miami University's operations, programs and activities, including regional campuses. It applies to all University students and employees, including faculty, unclassified staff, classified non-bargaining unit 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



person's educational or work environment.

## **Information and Assistance**

General information regarding this policy is available at the Office of Equity and Equal Opportunity (OEEO), Hanna House, Miami University, Oxford, Ohio 45056, [\(513\) 529-7157](tel:(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, Associate Vice President for Equity and Equal Opportunity, Hanna House, Miami University, Oxford, Ohio 45056. Ms. Ash may be reached at [\(513\) 529-7157](tel:(513)529-7157) or [ashkd@MiamiOH.edu](mailto:ashkd@MiamiOH.edu).**

## **Retaliation is Prohibited**

Any retaliatory action or conduct taken by any person against another 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.



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 the section of this policy titled "Disciplinary Action."

### **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 OEEEO.

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

Graduate assistants (GAs), resident assistants (RAs), student orientation undergraduate leaders (SOULS) and student managers in Campus Services 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.



(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 the section of this policy titled “Reporting Harassment, Discrimination, or Retaliation- Duty to Report” must also be reported.

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

## **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; the advisor 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.

## **Filing a Complaint of Harassment, Discrimination, or Retaliation**



and access to information. A delay in reporting may compromise the investigation.

## **Investigation of a Complaint**

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

Within thirty (30) calendar days from the issuance of the notice of investigation, OEEO will complete an investigation that determines 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 complaints, and to ask that witnesses be interviewed. At the completion of the investigation, OEEO will issue a written letter of finding of its investigation that includes a determination 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; that is the greater weight of credible evidence. OEEO will consider all relevant information presented. This standard of evidence essentially asks, "Is it more likely than not that our policy was violated?"

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

## **Request for Review**



deficiencies in the investigative letter of finding:

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 OEE0 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 Vice President for Institutional Diversity and Inclusion within five (5) class days of the issuance of the OEE0 letter of finding. *(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 OEE0 for their response, if any. Responses shall be filed within five (5) class days of the parties' and OEE0's receipt of the request for review.

The Vice President for Institutional Diversity and Inclusion will issue a final determination in writing and share it with all parties and the OEE0.

## **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 OEE0 letter of finding or as a result of a review, the discipline, if any, to be imposed will be determined according to the procedures described in the [Code of Student Conduct](#),



Disciplinary Procedures (Unclassified Administrative Staff) if the respondent is a member of the unclassified staff; or the policy “Procedures for Disciplinary Action (Faculty),” 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 Senior Vice President for Finance and Business Services for appropriate administrative action.

## **Legal Options**

Complaints may also be filed with the United States Department of Education Office for Civil Rights

([www2.ed.gov/about/offices/list/ocr/docs/howto.html](http://www2.ed.gov/about/offices/list/ocr/docs/howto.html)) or by consulting an attorney at the person’s own expense.

## **Miscellaneous**

The University is committed to addressing all reports of harassment and discrimination in a prompt and equitable manner. The University uses its best efforts to complete the investigation of all reports within 30 calendar days. This timeline may be extended based upon the complexity, severity and extent of the alleged violation.



identified in this policy.

After a report of harassment or discrimination has been made, subsequent time limits specified in this policy may be extended by the Vice President for Institutional Diversity and Inclusion. 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 a respondent or other person interviewed by OEE0 to knowingly make a false statement.

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## **Related Form(s)**

Not Applicable.

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## **Additional Resources and Procedures**

Not Applicable.

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## **FAQ**



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## Policy Administration

### Next Review Date

7/1/2026

### Responsible Officer

Associate Vice President for Equity and Equal Opportunity

Associate Vice President for Human Resources

Associate Vice President for Academic Personnel

Vice President for Institutional Diversity and Inclusion

### Legal Authority

Sections 504 of the Rehabilitation Act of 1973

Americans with Disabilities Act.

Title VI

Title VII

Title IX

### Compliance Policy

Yes

### Recent Revision History



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MUPIM 3.6

OAC [3339-3-06](#)

## Reviewing Bodies

Associate Vice President for Human Resources

Assistant Provost for Academic Personnel

University Senate

Director of Equity and Equal Opportunity

Vice President for Diversity and Inclusion



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