



## Ohio Administrative Code

### Rule 3341-5-41 Non-discrimination in employment and education.

Effective: [March 11, 2026](#)

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#### (A) Policy statement

All members of the university have the right to work and learn in a professional atmosphere that promotes equal employment and educational opportunities.

Bowling Green state university is committed to maintaining an employment and educational environment that is free from unlawful discrimination, harassment, and retaliation. The university prohibits discrimination and harassment on the basis of protected class: age (forty years of age or older), ancestry, color, disability, ethnicity, familial status, gender, gender identity and expression, genetic information, HIV/AIDS status, marital status, military status, national origin, political affiliation, pregnancy, race, religion, sex, sexual orientation, protected veteran status, or any other legally protected characteristic (including status as a parent during pregnancy and immediately after the birth of a child, status as a parent of a young child, and status as a foster parent as those terms are defined in Ohio law).

This policy and federal and state law prohibit retaliation against any person for asserting their legal rights to be free from discrimination or harassment, for reporting discrimination or harassment, or for participating in activities protected under this policy.

These prohibitions are made in accordance with applicable laws, which include, but are not limited to, the Americans with Disabilities Act of 1990 (as amended by the ADA Amendments Act of 2008); the Age Discrimination.

Act of 1975; the Age Discrimination in Employment Act of 1967; the Genetic Information Nondiscrimination Act of 2008; the Pregnancy Discrimination Act of 1978; Section 504 of the Rehabilitation Act of 1973; Titles VI and VII of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; the Vietnam Era Veterans' Readjustment Assistance Act of 1974; Chapter 4112 of the Ohio Revised Code; and any applicable executive order.



BGSU encourages anyone who believes that they have been subjected to conduct that is in violation of BGSU policies and procedures to report their concerns so that the university has an opportunity to address prohibited conduct.

Please see paragraph (D) of this policy for reporting guidance.

(B) Policy scope and responsible administrators

(1) Scope of this policy; related policies

This policy applies to the conduct of faculty, staff, students, student organizations, volunteers, third-parties such as visitors, as well as contractors and vendors in the performance of their contracts with the university.

Sexual harassment is covered by rule 3341-5-38 of the Administrative Code.

Title IX sexual harassment and misconduct is covered by rule 3341-2-41 of the Administrative Code.

(2) Responsibility for compliance

The university must comply with federal and state anti-discrimination, anti-harassment, and equal opportunity laws.

The office of state and federal compliance and non-discrimination is charged with the primary responsibility of ensuring that the university's equal employment practices and the conduct of any person within the scope of this policy comply with federal, state, and local laws and university policies and procedures. If conduct by any person within the scope of this policy is alleged to be in violation of this policy the office of state and federal compliance and non-discrimination or designee will assess the complaint and determine the best course of action to address the concerns.

(C) Intersection with other university policies



Conduct which violates this policy may also violate other university policies, including but not limited to the code of student conduct, Title IX Sexual Harassment Policy, Ethical Conduct and Professional Workplace Behavior. The office of state and federal compliance and non-discrimination may refer conduct to other university offices and departments in accordance with their own policies, procedures, and jurisdictional limits.

(D) Definitions

(1) Discrimination

Discrimination occurs when an adverse employment or education action is taken under university authority against a person and is based upon that person's protected class as listed in paragraph (A) of this policy.

(2) Harassment

For purposes of this policy, harassment is unwelcome verbal, non-verbal, or physical conduct directed toward a person that is based on the person's protected class. Harassment violates this policy when enduring it becomes a condition of continued employment or when it is sufficiently severe, persistent or pervasive that it unreasonably interferes with, denies, or limits that person's ability to participate in or benefit from a university education or employment program or activity and creates an objectively hostile environment.

Harassment does not include constitutionally-protected activity or conduct that serves a legitimate purpose.

(3) Protected class

Protected class is defined by federal law/executive order, federal regulations, state law/executive order, and university policies, including the protected classes referenced in this policy.

(4) Complainant



An individual alleged to have experienced discrimination, harassment, or retaliation in violation of this policy. In certain situations, the university may assume the role of the complainant.

(5) Respondent

The individual alleged to have engaged in discrimination, harassment, or retaliation in violation of one or more university policies.

(6) Retaliation

This policy and federal and state law prohibit retaliation against any person for asserting their legal rights or their rights under this policy to be free from discrimination or harassment, for reporting discrimination or harassment, or for participating in an investigation of discrimination or harassment. Retaliation also includes any adverse action taken against a person for requesting an accessibility accommodation or for their role in reporting discrimination or harassment, assisting a complainant, serving as a witness, or otherwise participating in an investigation. No agent of the university may harass, coerce, intimidate, or discriminate against an individual for filing a complaint or participating in the complaint resolution process. Any person within the scope of this policy who engages in retaliation is subject to a separate charge of retaliation under this policy.

(E) Reporting alleged violations

(1) Timeliness of report

Complaints are expected to be reported timely to assure proper handling of the complaint. It is recommended that complaints are filed within one hundred eighty calendar days of the last act of discrimination, harassment, or retaliation.

Complaints filed after one hundred eighty calendar days will require an additional explanation setting forth the reason the complaint was not filed earlier.

(2) How to report



A complaint can be made in person to the office of state and federal compliance and non-discrimination, in writing, or by completing a complaint form <https://www.bgsu.edu/report-incident.html> available on the university's website, which can be made anonymously.

(F) Overview of the procedures used

(1) Initial assessment

Upon receiving a complaint, the office of state and federal compliance and non-discrimination or designee will initially assess whether the facts alleged in the complaint, if taken as true, indicate a potential violation of this policy. If not, the university will dismiss the complaint and give the complainant written notice explaining the reasons for the dismissal and allowing the complainant ten calendar days to refile a complaint alleging additional facts. If the facts alleged in the refiled complaint still do not indicate a potential violation of this policy, the dismissal will be final.

Upon completion of the assessment of the complaint, if determined that facts alleged in the complaint, if taken as true, indicate a potential violation of this policy, the office of state and federal compliance and non-discrimination, in consultation with other appropriate departments and/or university leaders as needed, will determine the next course of action. These actions include informal and formal resolution processes.

(2) Timeframe

The university will endeavor to complete the review within sixty calendar days after the complaint was received by the office of state and federal compliance and non-discrimination or designee. This timeframe may be extended if circumstances warrant, such as university breaks, leaves of absences, if the complaint was referred for informal resolution, or if the nature of the complaint requires additional time to complete a fair and thorough investigation.

The investigation process is not a disciplinary procedure. The investigation is a neutral fact-finding process that serves to gather information and analyze facts compared to university policies and



procedures and applicable local, state, and federal laws. However, the statements and information obtained during the investigation may be relied upon in a subsequent disciplinary procedure. University investigators do not make final decisions regarding the investigation, findings of responsibility, or remedial action.

### (3) Advisors

The complainant and respondent may have one individual of their choice to serve as their advisor during this process. The advisor cannot be a witness and/or party to the investigation and cannot have a conflict of interest. The advisor must maintain confidentiality and may not impede or interfere with the investigatory meeting. If either a complainant or respondent is utilizing an advisor, the University requires at least forty-eight hours' notice be given to the investigator.

### (4) Informal resolution process

The office of state and federal compliance and non-discrimination will determine if an informal resolution may be an appropriate measure to address the concerns presented in the complaint.

Informal resolution methods include, but are not limited to, informal inquiry, facilitated conversation, referral, and/or mediation.

### (5) Investigation process

The office of state and federal compliance and non-discrimination or designee will conduct a thorough review of the allegations in a fair and impartial manner with due respect to all parties involved.

If an attempt to resolve an issue utilizing the informal resolution process is not successful or not an option, the director of state and federal compliance and non-discrimination or designee will initiate the investigation process and conduct a formal fact-finding investigation in collaboration with other departments as appropriate.

Interim measures may be issued in the discretion of the director of state and federal compliance and



non-discrimination or their designee to promote the safety or well-being of those involved or the university community.

The university uses the preponderance of evidence or the "more likely than not" evidentiary standard to determine culpability and responsibility when resolving complaints under this policy.

The steps of the formal investigation process include the following:

Interviews will be scheduled with the complainant, witnesses, and other individuals as deemed appropriate.

Written notice will be sent to the respondent to schedule a meeting to discuss the allegations. The notice to the respondent will include a general description of the alleged violation that makes a good faith effort to balance the investigatory interests of the university with the respondent's interest in understanding the nature of the allegations, with the investigator retaining sole discretion in making this determination.

The complainant and the respondent can provide a written statement related to the complaint, the names of witnesses, and any documents or other information they deem relevant.

Other investigatory actions may be warranted and will be determined on a case-by-case basis by the university.

If the complainant or respondent chooses not to cooperate or respond to requests for information in a timely manner, the investigation will proceed without that party's information.

Any person who deliberately provides information that the person knows to be false during an investigation may be subject to disciplinary action.

#### (6) Report

Upon conclusion of the investigation, the director of state and federal compliance and non-discrimination or designee will report the findings to the appropriate decisional authority for any



necessary further proceedings and final determination. The director of state and federal compliance and non-discrimination or designee will notify the complainant and the respondent whether a policy violation has occurred and that the final report has been submitted to the decisional authority to determine next steps. Each party may receive a copy of the report upon request. If the university determines a violation of this policy occurred, corrective action commensurate with the severity of the offense will be administered.

The absence of a finding of a policy violation does not preclude the decisional authority from making recommendations to enhance awareness of university values and to continue to maintain an employment and educational environment that is free from unlawful discrimination, harassment, and retaliation.

#### (7) Confidentiality

Information obtained during the investigation will remain as private as practicable. Complete confidentiality is not guaranteed as this information will be used to conduct the investigation, determine responsibility, take any remedial action if warranted, and comply with university policies and applicable laws.

#### (G) Recordkeeping

The university will maintain the written record of the investigation and all other appropriate documents in accordance with the records retention schedule. When a civil complaint is filed outside the university, information gathered during the internal investigation may be disclosed to the investigating agency. If a criminal matter related to the investigation occurs, the university will only provide information consistent with employees' Garrity rights.

If the decisional authority issues corrective action, a letter documenting the action will be included in the investigation file and the respondent 's personnel file and/or student record.

#### (H) Policy exceptions

Nothing in this policy detracts from any legal right of a parent or guardian to act on behalf of a



student, subject to Family Educational Rights Protection Act (FERPA), including, but not limited to filing a formal complaint.

Pursuant to 10 U.S.C. 983, this policy does not apply to prohibit or effectively prevent either of the following:

- (1) The establishment, maintenance, or operation of a unit of the senior reserve officer training corps at the university; or
- (2) A student at the university from enrolling in a unit of the senior reserve officer training corps at another institution of higher education.