

**3359-38-01 Affirmative action policy and program.**

(A) Statement of policy.

- (1) The university of Akron is an equal education and employment institution operating under nondiscrimination provisions of Title 41, Ohio Revised Code; Titles VI, VII of the Civil Rights Act of 1964, as amended; and Title IX of the Educational Amendments of 1972, as amended; Executive Order 11246, as amended; Vocational Rehabilitation Act section 504; Vietnam Era Veterans' Readjustment Act, as amended; Age Discrimination in Employment Act of 1967, as amended; Title II of the Genetic Information Nondiscrimination Act of 2008; and Americans with Disabilities Act, as amended as related to admissions, treatment of students, programs and activities, and employment practices.
- (2) It is the policy of this institution that there shall be no unlawful discrimination against any individual in employment or in its programs or activities at the university of Akron because of race, color, religion, sex/gender, sexual orientation, gender identity or expression, age, national origin, ethnicity, disability, 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 nursing mother, status as a foster parent, military status, genetic information, or status as a veteran. The university of Akron prohibits sexual harassment of any form in all aspects of employment and in its programs and activities and prohibits discrimination on the basis of any protected class in employment and admissions.
- (3) The university affirms that judgments about admissions, education and personnel evaluations at the university of Akron are based on merit, qualifications and performance and not on attributes unrelated to academic or job performance.
- (4) This nondiscrimination policy applies to all students, faculty, staff, employees, applicants for employment and applican6TJ-25.965 -1.1nicants for employmp1g7.6(fr 0 TD8.32

university of Akron from time to time.

(B) Laws and regulations governing equal employment opportunity.

- (1) The Equal Pay Act of 1963 requires every employer to pay employees equal pay for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to a seniority system, a merit system, a system which measures earnings by quantity or quality of production, or a differential based on any other factor other than sex. It is currently administered by the "Equal Employment Opportunity Commission" (EEOC).
- (2) Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin in all programs or activities which receive federal financial aid. Employment discrimination is prohibited if a primary purpose of federal assistance is provision of employment (apprenticeship, training, work study or similar programs) or if program beneficiaries suffer unequal treatment because of hiring or assignment of counselors, trainers, faculty or others in organizations receiving federal funds. Title VI is administered by the office of civil rights, United States department of education.
- (3) The Civil Rights Act of 1964, Title VII makes it an unlawful employment practice for employers, employment agencies and labor organizations to discriminate in the various aspects of employment on the basis of race, color, religion, sex or national origin. Title VII is administered by the EEOC.
- (4) The Rehabilitation Act of 1973 (sections 503 and 504) prohibits discrimination on the basis of disability in employment decisions, and participation in or receipt of the benefit of programs or activities which receive federal funding. Also, employers are required to actively recruit qualified individuals with disabilities as part of an established affirmative action program. The act is administered by the United States department of labor.
- (5) The Vietnam Era Veterans' Readjustment Assistance Act of 1974 prohibits discrimination against disabled veterans, recently separated veterans, active-duty or wartime or campaign badge veterans, and armed forces service medal veterans. . Employers are required to take affirmative action to enhance veteran's employment opportunities. The act is administered by the department of labor.
- (6) Executive Order 11246, issued in 1965, as amended seeks to promote and ensure equal opportunity for all persons without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin of employees or persons seeking employment with government contractors. The order is administered by the "Office of Federal Contract Compliance Program" (OFCCP), United States department of labor. It is this order that mandates that affirmative action programs be described in written plans with action-oriented programs to address identified problems for

recruiting, hiring and promoting minority group members and women.

- (7) Title IX of the Education Amendments of 1972 prohibits sex discrimination in the programs and activities of any educational institution that receives federal assistance. Title IX is administered by the office of civil rights, United States department of education. The university of Akron does not discriminate on the basis of sex in any of its education programs and activities and is required by Title IX not to discriminate in such a manner. Questions regarding Title IX may be referred to the university's Title IX coordinator or to the United States department of education, office for civil rights. Information regarding Title IX, including the contact information for the Title IX coordinator and deputy Title IX coordinators, can be found on the university's Title IX website located at: <http://www.uakron.edu/title-ix>.
- (8) The Age Discrimination in Employment Act (ADEA) as amended makes it unlawful for employers, employment agencies, and labor organizations to discriminate against persons forty years of age and over in any area of employment because of age. The ADEA is administered by the EEOC.
- (9) Immigration Reform and Control Act of 1986 (with certain exceptions) makes it an unfair immigration-related employment practice to discriminate against any individual (other than an unauthorized alien) with respect to the hiring or recruitment, the referral for a fee of the individual for employment or the discharging of the individual from employment because of such individual's national origin, or in the case of a citizen or intending citizen, because of such individual's citizenship status. The act is administered by the United States department of justice.
- (10) State law against discrimination, section 4112.02 of the Revised Code, prohibits discrimination in Ohio by reason of age, sex, disability, race, color, religion, national origin, military status, or ancestry in housing, public accommodation and employment in terms similar to those contained in federal statutes. This law is administered by the Ohio civil rights commission.
- (11) The Americans With Disabilities Act, effective July 26, 1992, and the Americans with Disabilities Act Amendments Act of 2008, effective January 1, 2009, have the purpose of providing a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities. It extends federal civil rights protection in several areas to qualified individuals with disabilities. The act prohibits covered entities from excluding people from jobs, services, activities, or benefits based on disability and provides penalties for discrimination. It also requires the provision of reasonable accommodation when needed for a qualified individual to perform essential job functions. This law is administered by the EEOC.
- (12) The Uniformed Services Employment and Reemployment Rights Act (USERRA), subject to eligibility criteria, has the purpose of ensuring that members of the uniformed services are entitled to return to their civilian employment upon completion of their service and can maintain their employer-based health plan for a

certain period of time during military service. It also prohibits discrimination against past or present members of the uniformed services, those that have applied for membership in the uniformed services or those that are obligated to serve in the uniformed services. This law is administered by the department of labor.

- (13) Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA) protects applicants for employment and employees from discrimination based on genetic



All individuals involved in the hiring decision, in conjunction with the department of human resources, must:

- (a) Base employment decisions solely upon the individual's qualifications and/or performance in the event of employment. If employment testing is used as a criterion for selection, appropriate guidelines will be followed to assure validity, objectivity, reliability, and compliance with law.
- (b) Ensure that every full-time vacancy is communicated to the affirmative action/equal employment opportunity office prior to the announcement and publication of the job opening.
- (c) Establish nondiscriminatory criteria for the large number of individuals who are employed as faculty and staff at the university of Akron on a part-time basis.
- (d) The department of human resources or the equal employment opportunity/affirmative action office must:
  - (i) Record employees by job classifications with the identification of minorities, individuals with disabilities and gender.
  - (ii) Record the turnaway rate for all applicants, and meet with interviewers and supervisors, as needed, to determine turnaway causes to ensure decisions are based on qualifications and/or performance.
  - (iii) Ensure personnel services and benefits for eligible employees are provided on a nondiscriminatory basis. These services and benefits include, but are not limited to: compensati

university's students.

Effective: 09/28/2024

Certification: \_\_\_\_\_  
M. Celeste Cook  
Secretary  
Board of Trustees

Promulgated Under: 111.15

Statutory Authority: 3359.01

Rule Amplifies: 3359.01

Prior Effective Dates: Prior to 11/04/1977, 03/01/1978, 05/22/1991,  
09/28/1997, 08/24/2008, 06/30/2011, 02/01/2015,  
02/24/2020, 10/14/2023, 02/26/2024