



CHAPTER 5 – EEO/PROFESSIONAL CONDUCT

➤ **DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURES**

Employees and/or applicants who believe they have been harassed/discriminated against because of race, color, religion, sex (including sexual harassment), sexual orientation, gender identity, national origin, age, ancestry, disability, or veteran status may contact the EEO Compliance Officer (EEO Compliance Officer) to discuss the matter or file a complaint.

It is encouraged that the discrimination/harassment be reported immediately to any of the following:

1. The EEO Compliance Officer;
2. The Director of Human Resources, person holding a similar position or his/her designee;
3. Immediate Supervisor; or
4. The next level of management above the immediate supervisor.

I. FILING AND PRESENTATION OF COMPLAINTS

Any complaint of harassment or discrimination that is received by a supervisor or a manager should be submitted to the EEO Compliance Officer. All complaints are encouraged to be in writing and submitted to one of the above individuals no later than 30 days after the offending conduct occurs. All complaints will be thoroughly investigated.

- A. The EEO Complaint Form may be obtained from the EEO Compliance Officer, Human Resources, or from the AG Intranet. It is encouraged that a complainant completes the Complaint Form and returns it to the EEO Compliance Officer within 30 days of the alleged discriminatory act.
- B. The EEO Compliance Officer will acknowledge the receipt of the complaint to the complainant (or his/her representative) and advise the complainant, respondent and/or witness of the procedures set forth herein.

II. FREEDOM FROM REPRISAL OR INTERFERENCE

Complainants/respondents, their representatives, and witnesses will not be subject to restraint, interference, coercion, discrimination, or reprisal as a result of the presentation and processing of complaints. Any person who believes that they have experienced a reprisal may file a complaint pursuant to this procedure.

III. REJECTION OR CANCELLATION OF COMPLAINT

The EEO Compliance Officer may reject a complaint:

- A. Which was not filed in a timely manner,
- B. Where sufficient information is not supplied,
- C. Which sets forth identical matters filed by the same complainant which is pending before or has been decided by the Office or which is pending in or decided by another forum,
- D. Because of failure of the complainant to prosecute the complaint.



The Officer shall reject those allegations in a complaint which are not within the scope of this procedure. A decision of the EEO Compliance Officer to dismiss a complaint at any point in the complaint process may be made with or without an investigation. Failure of a complainant to cooperate fully in the complaint process may result in the dismissal of the complaint. The complainant may withdraw the complaint at any point in the process. The Officer will inform the complainant of any decision to reject or dismiss a complaint.

IV. INFORMAL RESOLUTION OF COMPLAINTS

The EEO Compliance Officer will discuss the matters relating to the complaint with the aggrieved person and other necessary parties, and will attempt to resolve the complaint informally by reaching a mutual resolution between the Office and the complainant. The goal of a mutual agreement is for both parties to consider the matter(s) within the complaint to be sufficiently addressed. Any findings shall be discussed with legal counsel and/or the Director of Human Resources, person holding a similar position or his/her designee.

V. INTERNAL INVESTIGATION

- A. If the complaint cannot be resolved informally, the Officer will further investigate the matter in a prompt manner. The internal investigation will include a review of the circumstances and facts under which the alleged discrimination occurred.
- B. The Officer will complete an investigative file which may include affidavits of the complainant, person(s) committing the alleged discrimination, and witnesses as well as any other related documentation. **This file is a public record under Ohio Revised Code Section 149.43, except to the extent it contains records which are specifically exempt from disclosure.**
- C. At the conclusion of the investigation, the Officer or a designee will meet with the complainant to discuss the results of the investigation and methods of resolution.
- D. The Officer will notify the complainant and the respondent(s) of the disposition of the complaint, including dismissal, based on findings. The complainant has 10 calendar days from receipt of the notice of the disposition in which to notify the EEO Compliance Officer of his/her desire to engage in an internal appeal process.
- E. If the complainant fails to notify the Officer within 10 days of his/her desire to engage in the internal appeal process, the matter will be considered closed.

VI. INTERNAL APPEAL PROCESS

- A. An Independent Investigator will be named by the Director of Human Resources, person holding a similar position or his/her designee to conduct the Internal Appeal Process. The Investigator would be one who was not involved in the initial investigation or the incident giving rise to the complaint, and who does not have supervisory responsibility with respect to the complainant or the person who allegedly committed the discriminatory act.
- B. The EEO Compliance Officer will transmit the investigation file to the Independent Investigator for review. The Investigator may determine that further investigation is appropriate and proceed accordingly. This process will be conducted so as the complaint will be resolved in a timely manner.



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- C. The Investigator will conduct an investigation so as to bring out pertinent facts, including the production of pertinent documents. All evidence submitted to and accepted by the Independent Investigator will be made part of the investigation report. The investigation report will include a summary of all actions taken in the review and investigation. Upon completion, the complaint file and final report will be transmitted to the Director of Human Resources, person holding a similar position or his/her designee.
- D. The Director of Human Resources, person holding a similar position or his/her designee will make a decision based on the information in the complaint file and the investigation report. The Director will inform the complainant, his/her representative, and respondent(s) of the decision.

VII. FILING FORMAL CHARGES

If the complainant is dissatisfied with the results of the initial investigation and/or the internal appeals process, he or she can file formal charges with either of the following entities:

- 1. The Ohio Civil Rights Commission (**within 180 days of the act**).
- 2. The Federal Equal Employment Opportunity Commission (EEOC) **within 300 days** of the discriminatory act, or **30 days** after receiving notice that the Ohio Civil Rights Commission has terminated its processing of your charge, whichever is earlier.

VIII. INTERPRETATION OF PROCEDURES

- A. The aforementioned procedures shall not be construed and are not intended to limit or interfere with any rights which the complainant/respondent and/or witness is otherwise entitled, nor is it intended to create any legal contractual rights.
- B. The manner, method and scope of the aforementioned procedures, unless otherwise stated, shall be within the discretion of the Attorney General.

IX. DISCIPLINE

Violations of Discrimination/Harassment policies will not be permitted. Any employee who violates these policies will be subject to discipline, up to and including termination. Any employee, pursuant to these policies, found to have made false allegations, provides false information, interferes with, or fails to cooperate with any investigation is subject to discipline. Any supervisor who fails to report an allegation pursuant to these policies may be subject to disciplinary action.

Any employee who feels they have been discriminated against or harassed is encouraged to contact the EEO Compliance Officer; **Kristine Cadek; 150 East Gay Street, 18th Floor; Columbus, OH 43215; (614) 387-4254.**

An Equal Opportunity Employer