

# Non-Discrimination

Policy Number

1280

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Policy Manager

[Office of Audit, Risk, and Compliance](#)

## 1280.1 Policy Statement

Wright State University does not discriminate illegally on the basis of any legally protected status or trait, and does not tolerate such conduct by members of the University community. As used in this Policy, discrimination is any act or omission wholly or partly determined on the basis of a legally protected status or trait, which positively or negatively affects an individual's employment or promotion (including terms and conditions of employment), academic admissions or related activities, or participation in the University's programs or activities. As used in this Policy, discrimination includes harassment: a type of discrimination in which an individual or group is subjected to unwanted or unwelcome conduct because they are members of a legally protected status or have a legally protected trait.

The University will respond promptly and effectively to all reported violations of this policy, including conducting inquiries or investigations of alleged or suspected violations, and instituting disciplinary action or other appropriate measures in response to substantiated reports.

Note: This Policy does not apply to sex or gender-based harassment, discrimination, or sexual misconduct, which are covered by [Policy No. 1270: Sex/Gender-Based Harassment, Discrimination, and Sexual Misconduct](#).

## 1280.2 Legally Protected Status

The University recognizes the list of legally protected statuses identified by the Governor of Ohio through Executive Orders. As of August 20, 2024, those protected statuses consist of: race, color, religion, gender, gender identity or expression, national origin (ancestry), military status (past, present or future), disability, age (40 years 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 nursing mother, status as a foster parent, genetic information, or sexual orientation, as those terms are defined in Ohio law, federal law, and previous Executive Orders.

In accordance with [Executive Order 2022-06D](#), the University adopts and applies the International Holocaust Remembrance Alliance definition of antisemitism in determining whether there has been a violation of any policy or regulation prohibiting discriminatory acts.

## 1280.3 Reporting

University employees who know that a violation of this Policy has occurred are required to report it, unless they are legally prohibited from doing so (e.g. when the knowledge was acquired through a legally privileged communication that the employee cannot waive). Employees and others who suspect that a violation may have occurred are encouraged to report it.

Reports filed through the University's EthicsPoint system, or the University's Department of Public Safety Dispatch Center, will receive the most immediate response:

- EthicsPoint: [EthicsPoint Online Complaint \(URL\)](#), 1-855-353-3783.
- WSU Department of Public Safety Dispatch: [\(937\) 775-2111](#)

Reports may also be filed with the following offices:

- Office of Audit, Risk, and Compliance: [compliance@wright.edu](mailto:compliance@wright.edu); (937) 775-4518
  - Title IX Coordinator Kate Page: [kate.page@wright.edu](mailto:kate.page@wright.edu); (937) 775-3512
  - Deputy Title IX Coordinator JJ Jenkins: [jj.jenkins@wright.edu](mailto:jj.jenkins@wright.edu); (937) 775-4518
  - Deputy Title IX Coordinator (Athletics) Maigan Glass: [maigan.glass@wright.edu](mailto:maigan.glass@wright.edu); (937) 775-2830
  - Deputy Title IX Coordinator (Lake Campus) Gretchen Rentz: [gretchen.rentz@wright.edu](mailto:gretchen.rentz@wright.edu); (937) 775-8336
- Office of General Counsel: [generalcounsel@wright.edu](mailto:generalcounsel@wright.edu) (937) 775-2719
- Office of Inclusive Excellence: [inclusiveexcellence@wright.edu](mailto:inclusiveexcellence@wright.edu); (937) 775-2692
- Human Resources: [human\\_resources@wright.edu](mailto:human_resources@wright.edu); (937) 775-2120
- Office of the Provost: (937) 775-2029
- Office of Disability Services: [disability\\_services@wright.edu](mailto:disability_services@wright.edu); (937) 775-5680
  - ADA Coordinator Tom Webb: [thomas.webb@wright.edu](mailto:thomas.webb@wright.edu); (937) 775-5680

Filing a report with the University does not preclude or limit one's right to file a report or complaint with any governmental agency with jurisdiction over such matters, including without limitation the Equal Employment Opportunity Commission, the Ohio Civil Rights Commission, and/or the U.S. Department of Education's Office for Civil Rights.

Reports may be filed anonymously through the EthicsPoint system.

## 1280.4 Response

Reports will be forwarded to the Vice President for Compliance and Chief Enterprise Risk Officer (the "Compliance Officer"), or their delegate, for further action. The Compliance Officer is authorized to adopt procedures to discharge their responsibilities under this Policy and to enforce it.

Responses may include informal inquiries or formal investigations. The Compliance Officer will forward the results of any inquiry or investigation to the appropriate University official for further action, potentially including disciplinary action or other corrective measures.

## 1280.5 Violations

A violation of this Policy may result in disciplinary action up to and including dismissal (for students) or termination of employment (for employees). Violations of this Policy by University contractors may result in termination of the contractor's affiliation with the University.

Persons and organizations that violate this Policy may also be subject to the authority of non-University authorities.

## Resources and Informal Guidance

As of August 2024, the current list of legally protected statuses are set forth in Governor Mike DeWine's [Executive Order No. 2023-01D \(URL\)](#), and incorporating the International Holocaust Remembrance Alliance definition of anti-Semitism pursuant to Governor DeWine's [Executive Order No. 2022-06D \(URL\)](#). Executive Orders can be enacted, amended, or rescinded without notice by the Governor. Users should confirm that these authorities are still correct and current before relying on them for official University business. Employees may consult with the Office of General Counsel regarding currency.

As a general rule, it is impermissible to discriminate on the basis of a legally protected status, attribute, or trait, whether that discrimination harms or helps the subject. This is because giving a preference or exclusive benefit to one individual with a particular attribute necessarily means that someone else, who has a different attribute, will be treated less-favorably because of it. For example, the U.S. Supreme Court ruled against race-conscious admissions practices that were intended to increase racial minority representation on a school's student body. *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, 600 U.S. 181 (2023). The Court recognized, among other things, that while that policy increased admissions of applicants from races that were historically under-represented at the school (which the Court recognized as a worthwhile goal), it simultaneously and unconstitutionally excluded many well-qualified applicants from consideration based only on their race.

But in some cases, *having* an attribute is protected, but the lack of that attribute is not. This occurs most commonly in the case of age (advanced age is protected, young age is not), disability (having a disability is protected, but being a person without a disability is not), and veteran status (being a veteran is protected, but being a non-veteran is not). In some cases, an organization may legally discriminate on the basis of those attributes as long as the person *with* the attribute is treated more-favorably or at least not any less-favorably than the person without. This may be true even if it results in less-favorable treatment for the person without the attribute. For example, because only *advanced age* is protected an employer might have a policy against hiring young employees for certain positions (e.g. driving a company vehicle) because the employer feels (rightly or not) that young employees lack maturity to perform their duties well. But a similar policy barring older

employees from certain positions based only on their age may be illegal. Persons subject to this Policy should consult the Office of General Counsel before distinguishing or differentiating among individuals or groups on the basis of *or lack of* any legally protected status, attribute, or trait. These are nuanced, fact-specific issues that turn on multiple considerations too detailed and too numerous to outline here.