BOARD OF TRUSTEES
UNIVERSITY AFFAIRS COMMITTEE
John R. Jakubek, Chair
Capri S. Cafaro, Vice Chair
All Trustees are Members

Wednesday, September 4, 2019
3:30 p.m. or immediately following previous meeting

Kilcawley Center
President’s Suites

AGENDA

A. Disposition of Minutes for Meetings Held June 5, 2019; and June 6, 2019

B. New Business

C. Committee Items

1. Intercollegiate Athletics Action Item

Tab C.1.a.

a. Resolution to Ratify Personnel Actions
   University policies require that the Chief Human Resources Officer provide a summary of appointments, promotions, and other personnel actions for intercollegiate athletics staff and coaching positions, for April 16, 2019, through July 15, 2019. Personnel actions for intercollegiate athletics staff and coaching are contingent upon approval of the Board of Trustees. Ron Strollo, Executive Director of Athletics, will report.

2. Intercollegiate Athletics Discussion Item

Tab C.2.a.

a. Fiscal Year 2017-18 Financial Analysis of Benchmark Institutions
   Ron Strollo, Executive Director of Athletics, will report.

3. University Affairs Action Items

a. Consent Agenda*

Tab C.3.a.1.

1. Resolution to Modify Sexual Misconduct Policy, 3356-2-03.1

Tab C.3.a.2.

2. Resolution to Modify Search Waivers for Hiring of Faculty and Professional/Administrative Staff Policy, 3356-2-04

*Items listed under the Consent Agenda require Board approval; however they may be presented without discussion as these items include only non-substantive changes.
b. University Affairs Policies

1. Resolution to Modify Discrimination/Harassment Policy, 3356-2-03
   Mark Weir, Director of EEO, Title IX and Policy Development, will report.

2. Resolution to Modify and Retitle Outside Consulting Services – Excluded Professional/Administrative Staff, Including Deans and Chairs Policy, 3356-7-34
   Cindy Kravitz, Associate Vice President and Chief Human Resources Officer, will report.

3. Resolution to Rescind Staff Development Leave, Excluded Professional/Administrative Staff Policy, 3356-7-10
   Cindy Kravitz, Associate Vice President and Chief Human Resources Officer, will report.

c. Personnel Actions

1. Resolution to Ratify Personnel Actions
   University policies require that the Chief Human Resources Officer provide a summary of appointments, promotions, and other personnel actions for faculty and professional/administrative staff, for April 16, 2019, through July 15, 2019. Personnel actions for faculty and professional/administrative staff are contingent upon approval of the Board of Trustees. Cindy Kravitz, Associate Vice President and Chief Human Resources Officer, will report.

D. Old Business

E. Adjournment
RESOLUTION TO RATIFY
PERSONNEL ACTIONS

WHEREAS, the Policies of the Board of Trustees authorize the President to manage the University, including appointing such employees as are necessary to effectively carry out the operation of the University and any other necessary personnel actions; and

WHEREAS, new appointments and other personnel actions have been made subsequent to the June 6, 2019, meeting of the Board of Trustees; and

WHEREAS, such personnel actions are in accordance with the 2019-2020 Budget and with University policies 3356-2-02, Equal Opportunity and Affirmative Action Recruitment and Employment; 3356-7-36, Hiring and Selection Process, Contracts and Compensation for Intercollegiate Athletic Coaches; 3356-9-02, Selection and Annual Evaluation of Administrative Officers of the University; and 3356-7-42, Selection of Professional/Administrative Staff;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Youngstown State University does hereby ratify and confirm the personnel actions as listed in Exhibit ___ attached hereto.
SUMMARY OF PERSONNEL ACTIONS
Athletics Employees
4/16/19 through 7/15/19

Appointments – 12

New Positions – 1

• Professional Administrative Excluded – 1

Replacement Positions – 11

• Professional Administrative Excluded – 11

Separations – 9

• Classified Civil Service – 1
• Professional Administrative Excluded – 8

Reclassifications – 1

• Professional Administrative Excluded – 1

Promotions – 2

• Professional Administrative Staff – 1
• Professional Administrative Excluded – 1

Salary Adjustments – 11

• Professional Administrative Excluded – 11

Multi-Year Appointments – 1

• Professional Administrative Excluded – 1
## YOUNGSTOWN STATE UNIVERSITY
### ATHLETICS EMPLOYEES
#### PERSONNEL ACTIONS 4/16/19 THROUGH 7/15/19

### APPOINTMENTS

<table>
<thead>
<tr>
<th>EMPLOYEE NAME</th>
<th>EMPLOYEE TYPE</th>
<th>POSITION TITLE</th>
<th>DEPARTMENT</th>
<th>CONTRACT/ APPOINTMENT DATES</th>
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<th>SALARY</th>
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*New Positions*
# YOUNGSTOWN STATE UNIVERSITY
## ATHLETICS EMPLOYEES
### PERSONNEL ACTIONS 4/16/19 THROUGH 7/15/19
#### SEPARATIONS

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<th>DATE OF SEPARATION</th>
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## YOUNGSTOWN STATE UNIVERSITY
ATHLETICS EMPLOYEES
PERSONNEL ACTIONS 4/16/19 THROUGH 7/15/19
PROMOTIONS

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YOUNGSTOWN STATE UNIVERSITY
INTERCOLLEGIATE ATHLETICS
2017-18 FINANCIAL ANALYSIS
EXPENDITURES

MISSOURI VALLEY CONFERENCE / MVFC

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<th>Men’s Basketball Expenses</th>
<th>Women’s Basketball Expenses</th>
<th>Football Expenses</th>
<th>Total Expenses</th>
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MID AMERICAN CONFERENCE

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HORIZON LEAGUE

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Source: Office of Postsecondary Education and NCAA Financial Reports
## YOUNGSTOWN STATE UNIVERSITY
### INTERCOLLEGiate Athletics
#### 2017-18 Financial Analysis
### Revenues

**Missouri Valley Conference / MVFC**

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<th>Total Institutional Investment</th>
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**Horizon League – Men's Basketball**

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<th>Total Institutional Investment</th>
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**Horizon League - Total**

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Source: Office of Postsecondary Education and NCAA Financial Reports
RESOLUTION TO MODIFY
SEXUAL MISCONDUCT POLICY, 3356-2-03.1

WHEREAS, University Policies are reviewed and reconceptualized on an ongoing basis; and

WHEREAS, this process can result in the modification of existing policies, the creation of new policies, or the deletion of policies no longer needed; and

WHEREAS, action is required by the Board of Trustees prior to replacing and/or implementing modified or newly created policies, or to rescind existing policies; and

WHEREAS, the Sexual Misconduct policy has been reviewed pursuant to the five-year review cycle, and formatted in accordance with Policy 3356-1-09, Development and Issuance of University Policies.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Youngstown State University does hereby approve the modification of the University Policy Sexual Misconduct, policy number 3356-2-03.1, shown as Exhibit __ attached hereto. A copy of the policy indicating changes to be made is also attached.
3356-2-03.1 Sexual misconduct policy.

Responsible Division/Office: Equal Opportunity, and Policy Development and Title IX

Responsible Officer: Director of Equal Opportunity/Policy Development/ and Title IX

Revision History: March 2015; September 2019

Board Committee: University Affairs

Effective Date: Last BOT review: March 11, 2015 September 5, 2019

Next Review: 2024

(A) Policy statement. Youngstown state university ("YSU" or "university") is committed to fostering and maintaining an environment of tolerance, mutual respect, and concern for all members of the campus community. Consistent with these values and applicable law, including Title IX of the Education Amendments of 1972, the university prohibits and will not tolerate sexual misconduct in any university program or activity. The university will take appropriate steps to eliminate sexual assault and misconduct, prevent its recurrence, and address its effects.

(B) Purpose. To provide university community with a clearly articulated set of behavioral standards, common understandings of definitions, descriptions of prohibited conduct, relevant information, and reporting options in order to foster a climate free from sexual misconduct.

(C) Scope. This policy applies to all students, faculty, employees (including student employees), volunteers, and third parties, campus visitors, or other individuals engaged in any university activity or program, regardless of sexual orientation or gender identity, and whether on or off campus, and including any location owned, leased, or rented by the university.

For purposes of this policy, an individual is a student when they are registered for courses, seminars, or workshops at the university, either full-time or part-time; pursuing graduate, undergraduate or continuing education courses; accepted for admission; or living in a residence hall whether or not actually enrolled at the university.
For purposes of this policy, an individual is a faculty member when they are employed by the university to conduct classroom or teaching activities.

For purposes of this policy, an individual is an employee/student employee when they have been hired/employed by the university to perform certain work or services at a specified hourly wage or salary.

(D) Definitions (for purposes of this policy).

(1) “Sexual misconduct.” A broad range of behaviors including sexual assault, dating violence, domestic violence, stalking, voyeurism, and any other conduct of a sexual nature that is nonconsensual or is carried out through force, threat, intimidation or coercion. (For purposes of this policy, conduct prohibited under this policy shall generally be referred to as “sexual misconduct”).

(2) “Sexual assault.” Any intentional, nonconsensual and/or coerced sexual contact. Physical resistance need not occur to meet the definition of sexual assault.

(3) “Sexual harassment.” Sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature that is unwelcome and sufficiently severe or pervasive from both a subjective (the complainant’s) and an objective (reasonable person’s) viewpoint when it meets any of the following:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, academic status, or participation in a university program or activity.

(b) Submission to or rejection of such conduct by an individual is used as the basis for employment, academic, or programing decisions affecting the individual.

(c) The conduct has the purpose or effect of unreasonably interfering with an individual’s work or academic performance or creating an employment, academic, or participation environment that is objectively intimidating.
hostile, or abusive. (See university policy 3356-2-03, Discrimination/harassment).

(34) "Consent." Sexual activity requires consent, which is defined as positive, unambiguous, voluntary and ongoing agreement to engage in a specific activity. Consent must be freely and affirmatively given. Consent cannot be obtained from someone through coercion or from someone who is unconscious, asleep, or whose judgment is impaired by the use of a drug or alcohol or diminished by an intellectual, mental, or physical condition or disability. Consent can be withdrawn at any time.

(45) "Coercion." Intimidation, physical, or psychological threat, or pressure used to force another to engage in sexual acts.

(56) "Stalking." Repeated behaviors or activities whether in person, online, or through any other means which threaten or endanger the safety, physical or mental health, life or property of another or creates a reasonable fear of such threat or action.

(67) "Dating violence." Violence or abusive behavior (sexual, physical, or threat of violence) committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship is determined based on a consideration of the length and type of relationship and the frequency of interaction between the persons involved in the relationship.

(78) "Domestic violence." Violence or abusive behavior (sexual, physical, or threat of violence) used to maintain control or power within a current or former relationship and which is committed by any of the following:

(a) A current or former spouse or intimate partner of the victim;

(b) A person with whom the victim shares a child in common;

(c) A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
(d) By any other person against an adult or youth victim under the domestic or family violence laws of the state of Ohio (see section 2919.25 of the Revised Code).

(89) "Sexual exploitation." Sexual exploitation occurs when a person takes nonconsensual or abusive sexual advantage of another for his/her own benefit or advantage or to benefit or advantage anyone other than the person being exploited, and that behavior does not otherwise constitute another form of sexual misconduct. Examples of sexual exploitation include, but are not limited to, prostituting another, nonconsensual video or audiotaping of sexual activity, permitting others to secretly observe or record consensual activity, or engaging in voyeurism.

(10) "Incapacitation". Inability to evaluate, understand, or control conduct, because an individual is unconscious, asleep, intoxicated, or under the influence of other drugs, or for any other reason, physically, mentally or legally unable to communicate or grant consent. Incapacitation does not correlate to a specific Blood Alcohol Content (BAC) and could be the result of drug use.

(911) "Sex offenses." See Chapter 2907 of the Revised Code which defines "sex offenses" under Ohio law.

(E) Coordination with discrimination/harassment policy. The university recognizes that in certain circumstances harassment/discrimination related to an individual's race, color, national origin, sex, sexual orientation, gender identity and/or expression, disability, age, religion, or veteran/military status may occur in conjunction with sexual misconduct. Targeting individuals on the basis of these characteristics is a violation of university policy/rule 3356-2-03 of the Administrative Code. In these circumstances, the university will coordinate its responses and efforts in order to address these issues.

(F) Privacy versus confidentiality. Privacy and confidentiality have distinct meanings under this policy.

(1) "Privacy." Privacy generally means that information related to a report of sexual misconduct will only be shared with a limited circle of individuals. The use of this information is limited to those university employees who need to know in order to assist in
the active review, investigation, or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.

(2) "Confidentiality." Confidentiality means that information shared by an individual with a particular campus or community professional cannot be revealed to any other individual without the express permission of the individual. These professionals include medical and mental health providers, ordained clergy, and rape crisis counselors. These individuals are prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others.

(G) Reporting. The university encourages anyone who has experienced sexual misconduct to report the incident to the reporting source of their choice in order to obtain information and support and so the university can respond appropriately. Prompt reporting may preserve options that delayed reporting does not, including the preservation of physical evidence, crisis counseling, and immediate police response. Additionally, delayed reporting may affect the options available to the individual and the university.

(1) "Confidential reporting." An individual who desires that the details of an incident be kept confidential may speak with professional licensed counselors who provide mental health counseling on campus. Pastoral or clergy and medical professionals also have legally protected roles involving confidentiality. Confidential services are available on campus (see paragraph (M)(1) of this policy) at student counseling services in Jones Kilcawley Hall center, room 309, phone number 330-941-3737; student health services in Kilcawley house, first floor, at Wick Primary Care at YSU, 330 Wick Ave., phone number 330-941-3489, phone number 330-941-3489; and through the employee assistance program, phone number 800-227-6007.

(2) "Responsible employees and mandatory reporting." Under Title IX, the university is required to take immediate and corrective action if a responsible employee knew or in the exercise of reasonable care should have known about sexual misconduct or sex based discrimination or harassment that creates a hostile environment. A responsible employee is an employee who:
(a) Has the authority to take action to redress the harassment;

(b) Has been given the duty to report to appropriate university officials any misconduct by students, employees or third parties; or

(c) An individual could reasonably believe has the authority or responsibility to take action.

Employees with supervisory and leadership responsibilities on campus are considered responsible employees and include, but are not limited to, managers, supervisors, directors, assistant/associate directors, faculty members with supervisory or advisory duties over students or employees (including student employees), resident assistants, program coordinators, coaches, deans and department chairs. A responsible employee is considered a mandatory reporter under this policy and when he or she becomes aware of sexual misconduct must notify the Title IX coordinator promptly but no later than five working days of becoming aware of the information. When a responsible employee is contacted by a student regarding possible sexual misconduct, the responsible employee must inform the student of the responsible employee’s reporting requirement.

For purposes of this policy, faculty members who solely provide classroom instruction with no student or employee supervisory or advisory duties are not considered responsible employees under this policy; however, they are strongly encouraged to report an alleged occurrence of sexual misconduct as well.

(3) Filing a complaint with the university’s Title IX coordinator.

(a) Individuals who believe they have been subjected to or who reasonably believe sexual misconduct has occurred should contact the Title IX coordinator for information and/or to file a complaint. The Title IX coordinator, or his/her designee, will make an assessment of any risk of harm to individuals or to the campus community and will take reasonable steps necessary, including interim protective measures, and to provide for the safety of individuals involved and the campus community. Thereafter, the Title
IX coordinator, or his/her designee, will conduct an investigation depending on a variety of factors, including but not limited to, the reporting individual's wish to pursue an investigation, the risk posed to the individuals involved and the campus community by not proceeding, whether there have been other complaints of sexual misconduct involving the same alleged individual(s), and the nature of the allegation.

(b) To promote timely and effective review and investigation, complaints of possible sexual misconduct should be made immediately or as soon as reasonably possible. The Title IX coordinator will review a complaint whenever it is made; however, a lapse of time may make it more difficult to gather relevant and reliable information and to address the behavior. Complaints involving potential Title IX violations will follow the Title IX grievance procedures which are available on the university's Title IX webpage.

(4) Student conduct process. If the alleged perpetrator of sexual misconduct is a student, an individual may seek resolution through the student conduct process. A report to the office of student conduct (phone number 330-941-47034) can be made regardless of whether or not a criminal complaint is pursued. For a more comprehensive review of the student code of conduct, including timeliness of reporting, please go to the office of student conduct webpage.

(5) Law enforcement.

(a) Individuals who are victims/survivors of sexual misconduct have the right to make a complaint with local law enforcement and are strongly encouraged to contact the Youngstown state university policy department ("university police") in order to receive information and to pursue criminal charges. The university police can be contacted at 330-941-3527 (campus emergencies, dial 911). Reports can also be made to the city of Youngstown police department at 330-747-7911 or 911.
(b) An individual who does not wish to pursue action within the criminal justice system should still consider making a report to the university police department. The university police can file a report on the details of an incident without revealing the identity of the victim. This allows the university to take steps pursuant to the Clery Act to keep reports.

(6) The university as reporting party. On some occasions, the university will assume the function of the reporting party. This approach may be taken when sufficient information is provided that allows the university to reach the threshold determination that an individual poses a substantial and likely threat of harm to the safety or well-being of an individual, members of the campus community, or the performance of normal university functions.

(7) Anonymous reporting. Although the university encourages victims to talk to someone, the university provides online anonymous reporting options. Individuals may file an anonymous report with the university police at the YSU police website, with the Title IX coordinator at the Title IX website, or by contacting the office of student conduct.

(H) Interim measures. The Title IX coordinator (phone number 330-941-2216), office of student life (phone number 330-941-4709/3533) and/or the office of human resources (phone number 330-941-1322) can assist an individual who has been subjected to sexual misconduct with appropriate interim measures that are reasonably available to alleviate the presence of a hostile environment. These measures can be taken regardless of whether an individual chooses to formally report an incident or crime and can include no-contact orders, changes in housing, work schedules, or assignments, and interim suspensions or administrative leaves. Failure to comply with interim measures is a violation of this policy and may result in corrective measures, even if the initial report of sexual misconduct is later not proven.

(I) Non-retaliation. Retaliation against any individual in the university community either for alleging sexual assault or misconduct or for cooperating in the review or investigation of a compliant is strictly prohibited by university policy and state and federal law. Anyone who believes he/she has been the victim of retaliation should immediately
contact the office of equal opportunity and policy compliance or the office of human resources. Any person found to have retaliated against another for reporting, participation, or cooperation in an investigation will be in violation of this policy and will be subject to corrective measures independent of the merits of the underlying allegation.

(J) Prevention and education programs. The university shall provide programs and/or training (collectively referred to as "trainings") for employees and students designed to prevent and promote awareness of sexual misconduct. The trainings shall be consistent with applicable legal requirements and university policies. The office of human resources, with oversight from the Title IX coordinator, or his/her designee, shall provide training for employees; and the office of student affairs, with oversight from the Title IX coordinator, or his/her designee, shall provide training for students.

(K) False allegations. It is a violation of this policy for anyone to intentionally report information or allegations that they know or reasonably should know to be untrue or false. However, failure to prove an allegation is not equivalent to a false allegation and no person shall be penalized for good faith reporting of concerns under this policy.

(L) Consequences of violations of this policy. Any employee or student who violates this policy will be subject to corrective action, consistent with university policies and applicable collective bargaining agreements and conduct codes. Corrective action can include termination for employees and expulsion for students. Third parties who violate this policy will be subject to appropriate university action, including but not limited to removal from university property and criminal prosecution.

(M) Support and assistance.

(1) On-campus contacts:

(a) YSU student counseling services, Jones hall Kilcawley center, room 30992082, contact 330-941-3737. The employee assistance program, contact 1-800-227-6007.

(b) Student health services, at Kilcawley house, first floor (must enter from University Plaza side), contact 330-941-
3489 Wick Primary Care at YSU, 330 Wick Avenue, phone number 330-747-4660.

(c) YSU police department, contact 330-941-3527 (24-hour line). Campus emergencies, dial 911.

(d) YSU Director of Equal Opportunity, Policy Development and Title IX coordinator, Cynthia A. Kravitz, Mark Weir, Todd hall, room 301, Youngstown, Ohio 44555; contact 330-941-2216 or 330-941-2340; fax number is 330-941-2394; email address, eakravitz@ysu.edu, mweir@ysu.edu.

(e) To be escorted to/from vehicle or classes, contact YSU student security services, sponsored by YSU police department, at 330-941-1515.

(2) Off-campus contacts.

(a) Ohio hopes, rape crisis and counseling center of Mahoning county, contact 330-782-3936 (twenty-four-hour hotline).

(b) Rape, abuse, and incest national network, visit the RAINN website.

(c) Mercy health – St. Elizabeth Youngstown hospital, contact 330-746-7211 (twenty-four-hour medical services).

(d) Northside medical center, contact 330-884-1000 (twenty-four-hour medical services).

(3) Title IX website. For more information on Title IX and sexual misconduct, please visit the university’s Title IX website.
3356-2-03.1 Sexual misconduct policy.

Responsible Division/Office: Equal Opportunity, Policy Development and Title IX
Responsible Officer: Director of Equal Opportunity, Policy Development and Title IX
Revision History: March 2015; September 2019
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(3) "Sexual harassment." Sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature that is unwelcome and sufficiently severe or pervasive from both a subjective (the complainant's) and an objective (reasonable person's) viewpoint when it meets any of the following:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, academic status, or participation in a university program or activity.

(b) Submission to or rejection of such conduct by an individual is used as the basis for employment, academic, or programing decisions affecting the individual.

(c) The conduct has the purpose or effect of unreasonably interfering with an individual’s work or academic performance or creating an employment, academic, or participation environment that is objectively intimidating, hostile, or abusive. (See university policy 3356-2-03, Discrimination/harassment).
(4) "Consent." Sexual activity requires consent, which is defined as positive, unambiguous, voluntary and ongoing agreement to engage in a specific activity. Consent must be freely and affirmatively given. Consent cannot be obtained from someone through coercion or from someone who is unconscious, asleep, or whose judgment is impaired by the use of a drug or alcohol or diminished by an intellectual, mental, or physical condition or disability. Consent can be withdrawn at any time.

(5) "Coercion." Intimidation, physical, or psychological threat, or pressure used to force another to engage in sexual acts.

(6) "Stalking." Repeated behaviors or activities whether in person, online, or through any other means which threaten or endanger the safety, physical or mental health, life or property of another or creates a reasonable fear of such threat or action.

(7) "Dating violence." Violence or abusive behavior (sexual, physical, or threat of violence) committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship is determined based on a consideration of the length and type of relationship and the frequency of interaction between the persons involved in the relationship.

(8) "Domestic violence." Violence or abusive behavior (sexual, physical, or threat of violence) used to maintain control or power within a current or former relationship and which is committed by any of the following:

(a) A current or former spouse or intimate partner of the victim;

(b) A person with whom the victim shares a child in common;

(c) A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;

(d) By any other person against an adult or youth victim under the domestic or family violence laws of the state of Ohio (see section 2919.25 of the Revised Code).
(9) "Sexual exploitation." Sexual exploitation occurs when a person takes nonconsensual or abusive sexual advantage of another for his/her own benefit or advantage or to benefit or advantage anyone other than the person being exploited, and that behavior does not otherwise constitute another form of sexual misconduct. Examples of sexual exploitation include, but are not limited to, prostituting another, nonconsensual video or audiotaping of sexual activity, permitting others to secretly observe or record consensual activity, or engaging in voyeurism.

(10) "Incapacitation". Inability to evaluate, understand, or control conduct, because an individual is unconscious, asleep, intoxicated, or under the influence of other drugs, or for any other reason, physically, mentally or legally unable to communicate or grant consent. Incapacitation does not correlate to a specific Blood Alcohol Content (BAC) and could be the result of drug use.

(11) "Sex offenses." See Chapter 2907 of the Revised Code which defines "sex offenses" under Ohio law.

(E) Coordination with discrimination/harassment policy. The university recognizes that in certain circumstances harassment/discrimination related to an individual's race, color, national origin, sex, sexual orientation, gender identity and/or expression, disability, age, religion, or veteran/military status may occur in conjunction with sexual misconduct. Targeting individuals on the basis of these characteristics is a violation of university policy/rule 3356-2-03 of the Administrative Code. In these circumstances, the university will coordinate its responses and efforts in order to address these issues.

(F) Privacy versus confidentiality. Privacy and confidentiality have distinct meanings under this policy.

(1) "Privacy." Privacy generally means that information related to a report of sexual misconduct will only be shared with a limited circle of individuals. The use of this information is limited to those university employees who need to know in order to assist in the active review, investigation, or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.
(2) "Confidentiality." Confidentiality means that information shared by an individual with a particular campus or community professional cannot be revealed to any other individual without the express permission of the individual. These professionals include medical and mental health providers, ordained clergy, and rape crisis counselors. These individuals are prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others.

(G) Reporting. The university encourages anyone who has experienced sexual misconduct to report the incident to the reporting source of their choice in order to obtain information and support and so the university can respond appropriately. Prompt reporting may preserve options that delayed reporting does not, including the preservation of physical evidence, crisis counseling, and immediate police response. Additionally, delayed reporting may affect the options available to the individual and the university.

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(2) "Responsible employees and mandatory reporting." Under Title IX, the university is required to take immediate and corrective action if a responsible employee knew or in the exercise of reasonable care should have known about sexual misconduct or sex based discrimination or harassment that creates a hostile environment. A responsible employee is an employee who:

(a) Has the authority to take action to redress the harassment;
(b) Has been given the duty to report to appropriate university officials any misconduct by students, employees or third parties; or

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Employees with supervisory and leadership responsibilities on campus are considered responsible employees and include, but are not limited to, managers, supervisors, directors, assistant/associate directors, faculty members with supervisory or advisory duties over students or employees (including student employees), resident assistants, program coordinators, coaches, deans and department chairs. A responsible employee is considered a mandatory reporter under this policy and when he or she becomes aware of sexual misconduct must notify the Title IX coordinator promptly but no later than five working days of becoming aware of the information. When a responsible employee is contacted by a student regarding possible sexual misconduct, the responsible employee must inform the student of the responsible employee's reporting requirement.

For purposes of this policy, faculty members who solely provide classroom instruction with no student or employee supervisory or advisory duties are not considered responsible employees under this policy; however, they are strongly encouraged to report an alleged occurrence of sexual misconduct as well.

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an investigation, the risk posed to the individuals involved and the campus community by not proceeding, whether there have been other complaints of sexual misconduct involving the same alleged individual(s), and the nature of the allegation.

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(4) Student conduct process. If the alleged perpetrator of sexual misconduct is a student, an individual may seek resolution through the student conduct process. A report to the office of student conduct (phone number 330-941-4704) can be made regardless of whether or not a criminal complaint is pursued. For a more comprehensive review of the student code of conduct, including timeliness of reporting, please go to the office of student conduct webpage.

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violation of this policy and will be subject to corrective measures independent of the merits of the underlying allegation.

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(K) False allegations. It is a violation of this policy for anyone to intentionally report information or allegations that they know or reasonably should know to be untrue or false. However, failure to prove an allegation is not equivalent to a false allegation and no person shall be penalized for good faith reporting of concerns under this policy.

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(b) Student health services. Wick Primary Care at YSU, 330 Wick Avenue, phone number 330-747-4660.

(c) YSU police department, contact 330-941-3527 (24-hour line). Campus emergencies, dial 911.
(d) YSU Director of Equal Opportunity, Policy Development and Title IX Mark Weir, Tod hall, room 301, Youngstown, Ohio 44555; contact 330-941-2216 or 330-941-2340; fax number is 330-941-2394; email address, mweir@ysu.edu.

(e) To be escorted to/from vehicle or classes, contact YSU student security services, sponsored by YSU police department, at 330-941-1515.

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RESOLUTION TO MODIFY
SEARCH WAIVERS FOR HIRING OF FACULTY AND
PROFESSIONAL/ADMINISTRATIVE STAFF POLICY, 3356-2-04

WHEREAS, University Policies are reviewed and reconceptualized on an ongoing
basis; and

WHEREAS, this process can result in the modification of existing policies, the
creation of new policies, or the deletion of policies no longer needed; and

WHEREAS, action is required by the Board of Trustees prior to replacing and/or
implementing modified or newly created policies, or to rescind existing policies; and

WHEREAS, the Search Waivers for Hiring of Faculty and Professional/
Administrative Staff policy has been reviewed pursuant to the five-year review cycle,
and formatted in accordance with Policy 3356-1-09, Development and Issuance of
University Policies.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of
Youngstown State University does hereby approve the modification of the University
Policy Search Waivers for Hiring of Faculty and Professional/Administrative Staff,
policy number 3356-2-04, shown as Exhibit ___ attached hereto. A copy of the policy
indicating changes to be made is also attached.

Board of Trustees Meeting
September 5, 2019
YR 2020-
Search waivers for hiring of faculty and professional/administrative staff.

Responsible Division/Office: Equal Opportunity and Policy Development, and Title IX
Responsible Officer: General Counsel
Revision History: June 2006; June 2011; March 2013; May 2015; March 2017; September 2019
Board Committee: University Affairs
Effective Date: March 16, 2017; September 5, 2019
Next Review: 2024

(A) Policy statement. It is the policy of Youngstown state university that institutional employment and diversity goals are best served through a standard search process. However, exceptions to the standard search process may be appropriate in situations where it can be clearly demonstrated that it is in the university’s best interest to forgo the standard search process.

(B) Scope. This policy applies to faculty and professional/administrative staff vacancies, including externally funded positions (see rules 3356-7-42 and 3356-7-43 of the Administrative Code). The selection of executive and administrative officers of the university is not included within the scope of this policy. (See rules 3356-9-01 and 3356-9-02 of the Administrative Code for the selection of administrative and executive officers.) A request for a search waiver does not waive any human resource or financial requirements for a position.

(C) Purpose. To provide a process for requesting a search waiver for fully qualified individuals who can make a unique contribution to the university and its strategic plan.

(D) Request criteria. The following information shall be provided in writing when submitting a request for a search waiver.

(1) A description of the position, including whether the position is temporary or has an anticipated end date, and minimum (and if appropriate) preferred qualifications.
(2) Qualifications, credentials and/or skills of the individual that qualify him/her for the position.

(3) Likelihood of success in the position (e.g., promotion and tenure, where applicable).

(4) Relevance of the hire to the university’s strategic priorities.

(5) Input of the hiring unit for the requested appointment.

(6) Identification of funds to support the position.

(7) Rationale for departing from the standard search process presented.

(8) The race and gender of the proposed hire, if known.

(E) Review criteria. The following factors will be considered when determining whether a waiver is in the university’s best interests.

(1) Whether the proposed hire supports the university’s affirmative action goals.

(2) Whether the position and/or funding are temporary or time limited.

(3) The existence of an urgent situation.

(4) Whether the proposed hire possesses outstanding and uniquely specialized skills, knowledge, or experience that would otherwise not be available through the standard search process. Experience, skills, or knowledge gained through an interim appointment or temporary assignment of some or all of the duties of the position does not make an individual uniquely qualified for the position.

(5) Whether a recent search(es) for the position has lacked a qualified pool of applicants.

(6) Previous use of search waivers by the office or department.

(7) Other compelling reasons.

(F) Procedures.
(1) The submission of a search waiver requires the signature of the Individuals considered for employment under the search waiver process must be reviewed/appropriate divisional officer and by the hiring department director/manager or academic unit/chairperson.

(2) When any unit inquires about employment opportunities for a potential faculty or staff recruit that is within the university’s strategic interest, the chair/director will request a copy of the potential employee’s curriculum vitae, resume and/or other relevant materials, must be included with the search waiver request.

(3) A request for a search waiver, including all supporting information listed in paragraph (D) of this policy, must be submitted in writing to the chief officer of human resources officer and labor relations and the office director of equal opportunity and policy development for review and recommendation. Following this review by the offices of human resources and equal opportunity and policy development, the request will be forwarded to the office of the president.

(4) Only the president, or designee, is authorized to grant a waiver from the requirement of a standard search.

(5) The office of equal opportunity and policy development will provide information and assistance, as appropriate.

(6) The office of equal opportunity and policy development will provide the board of trustees with a quarterly report on hiring activity under this policy.
Search waivers for hiring of faculty and professional/administrative staff.

Responsible Division/Office: Equal Opportunity, Policy Development, and Title IX
Responsible Officer: General Counsel
Revision History: June 2006; June 2011; March 2013; May 2015; March 2017; September 2019
Board Committee: University Affairs
Effective Date: September 5, 2019
Next Review: 2024

(A) Policy statement. It is the policy of Youngstown State University that institutional employment and diversity goals are best served through a standard search process. However, exceptions to the standard search process may be appropriate in situations where it can be clearly demonstrated that it is in the university’s best interest to forgo the standard search process.

(B) Scope. This policy applies to faculty and professional/administrative staff vacancies, including externally funded positions (see rules 3356-7-42 and 3356-7-43 of the Administrative Code). The selection of executive and administrative officers of the university is not included within the scope of this policy. (See rules 3356-9-01 and 3356-9-02 of the Administrative Code for the selection of administrative and executive officers.) A request for a search waiver does not waive any human resource or financial requirements for a position.

(C) Purpose. To provide a process for requesting a search waiver for fully qualified individuals who can make a unique contribution to the university and its strategic plan.

(D) Request criteria. The following information shall be provided in writing when submitting a request for a search waiver.

(1) A description of the position, including whether the position is temporary or has an anticipated end date, and minimum (and if appropriate) preferred qualifications.
(2) Qualifications, credentials and/or skills of the individual that qualify him/her for the position.

(3) Likelihood of success in the position (e.g., promotion and tenure, where applicable).

(4) Relevance of the hire to the university’s strategic priorities.

(5) Input of the hiring unit for the requested appointment.

(6) Identification of funds to support the position.

(7) Rationale for departing from the standard search process presented.

(8) The race and gender of the proposed hire, if known.

(E) Review criteria. The following factors will be considered when determining whether a waiver is in the university’s best interests.

(1) Whether the proposed hire supports the university’s affirmative action goals.

(2) Whether the position and/or funding are temporary or time limited.

(3) The existence of an urgent situation.

(4) Whether the proposed hire possesses outstanding and uniquely specialized skills, knowledge, or experience that would otherwise not be available through the standard search process. Experience, skills, or knowledge gained through an interim appointment or temporary assignment of some or all of the duties of the position does not make an individual uniquely qualified for the position.

(5) Whether a recent search(es) for the position has lacked a qualified pool of applicants.

(6) Previous use of search waivers by the office or department.

(7) Other compelling reasons.

(F) Procedures.
(1) The submission of a search waiver requires the signature of the appropriate divisional officer and the hiring department director/manager or chairperson.

(2) A copy of the potential employee’s curriculum vitae, resume and/or other relevant materials, must be included with the search waiver request.

(3) A request for a search waiver, including all supporting information listed in paragraph (D) of this policy, must be submitted in writing to the chief human resources officer and director of equal opportunity and policy development for review and recommendation. Following this review, the request will be forwarded to the office of the president.

(4) Only the president, or designee, is authorized to grant a waiver from the requirement of a standard search.

(5) The office of equal opportunity and policy development will provide information and assistance, as appropriate.

(6) The office of equal opportunity and policy development will provide the board of trustees with a quarterly report on hiring activity under this policy.
Explanation of Modifications to *University Policy*:

**3356-2-03 Discrimination/Harassment**
The above-referenced policy was modified to align more closely with University Policy 3356-2-03.1 Sexual Misconduct. The modification to both policies (3356-2-03 & 3356-2-03.1) was to ensure alignment with Governor DeWine and Chancellor Gardner’s Changing Campus Culture Initiatives specifically relating to our university policies and comprehensive protocols.

Board of Trustees Meeting
September 5, 2019
YR 2020-
RESOLUTION TO MODIFY
DISCRIMINATION/HARASSMENT POLICY, 3356-2-03

WHEREAS, University Policies are reviewed and reconceptualized on an ongoing basis; and

WHEREAS, this process can result in the modification of existing policies, the creation of new policies, or the deletion of policies no longer needed; and

WHEREAS, action is required by the Board of Trustees prior to replacing and/or implementing modified or newly created policies, or to rescind existing policies; and

WHEREAS, the Discrimination/Harassment policy has been reviewed pursuant to the five-year review cycle, and formatted in accordance with Policy 3356-1-09, Development and Issuance of University Policies.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Youngstown State University does hereby approve the modification of the University Policy Discrimination/Harassment, policy number 3356-2-03, shown as Exhibit __ attached hereto. A copy of the policy indicating changes to be made is also attached.
Policy statement. Youngstown state university ("university") does not discriminate on the basis of race, color, national origin, age, sexual orientation, gender identity and/or expression, disability, or veteran status or any other basis protected by law in its programs or activities. The university is firmly committed to maintaining a working and learning environment free of discrimination and harassment of any employee, applicant for employment, student, or visitor. The university community seeks to eliminate discrimination and harassment through education and encourages staff, faculty, students, visitors, and volunteers to report concerns or complaints. Prompt corrective measures will be taken to stop discrimination and harassment whenever it occurs.

This policy shall be interpreted and applied consistent with the speech protections of the first amendment of the United States Constitution.

Purpose. The purpose of this policy is to establish expectations for institutional and individual conduct, aid the university community in recognizing and preventing discrimination and harassment, and provide effective reporting and response mechanisms. For purposes of this policy, the university community includes, but is not limited to, all university employees, students, and any other individual visiting or engaging in any university activity or program.

Scope. This policy applies to students, faculty, employees (including student employees), third parties, campus visitors, or other individuals engaged in any university activity or program, regardless of sexual orientation or gender identity, and whether on or off campus. The prohibitions of this policy may, in some instances, be broader in scope than the legal prohibitions of state, federal, or other laws prohibiting discrimination or harassment. A determination that this policy has been violated is not equivalent to a violation of law.
(D) Definitions. For the purpose of determining whether a particular behavior or course of conduct constitutes discrimination or harassment under this policy, the following definitions shall be used:

(1) "Discrimination." Conduct that is based on an individual's sex (including pregnancy), race, color, religion, national origin, age, sexual orientation, gender identity and/or expression, disability, or veteran/military status or any other basis protected by law that:

(a) Adversely affects a term or condition of an individual’s employment, education, or participation in a university activity or program; or

(b) Is used as the basis for a decision affecting an individual’s employment, education, or participation in a university activity or program; or

(c) Is sufficiently severe and pervasive to a reasonable person that it substantially interferes with an individual’s employment or educational performance or creates a working, living, or educational environment that is intimidating, hostile, offensive, or abusive.

(2) "Harassment." Conduct, or a course of conduct, that degrades or shows hostility toward an individual or group of individuals is based on sex (including pregnancy), race, color, religion, national origin, age, sexual orientation, gender identity and/or expression, disability, or veteran status or any other basis protected by law, and is sufficiently severe and pervasive to a reasonable person that it:

(a) Unreasonably interferes with an individual’s employment or education; or

(b) Objectively creates a working, living, or educational environment that is hostile, intimidating, offensive, or abusive.

(3) "Sexual harassment." Sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature that is unwelcome and sufficiently severe or pervasive from both a subjective (the complainant’s) and an objective (reasonable person’s) viewpoint when it meets any of the following:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, academic status, or participation in a university program or activity.
(b) Submission to or rejection of such conduct by an individual is used as the basis for employment, academic, or programing decisions affecting the individual.

(c) The conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an employment, academic, or participation environment that is objectively intimidating, hostile, offensive or abusive.

(d) Sexual harassment can be directed at a member of the same or different sex or sexual orientation. Examples of inappropriate conduct which may constitute sexual harassment include but are not limited to:

(i) Sexual advances or propositions, either explicit or implied.

(ii) Sexually suggestive or sexually degrading innuendo, comments or gestures.

(iii) Remarks or inquiries about sexual activity, sexual orientation, or gender identity or expression.

(iv) The display or communication of sexually oriented material (including through e-mail or other electronic means).

(v) Unwanted touching, hugging, or contacting another's body.

(4) Intimidating, hostile, offensive or abusive environment (collectively referred to as a hostile environment) is a specific form of discrimination and is often contextual and must be based on the circumstances. These circumstances include but are not limited to:

(a) The frequency of the conduct.

(b) The nature and severity of the conduct.

(c) The relationship between the complainant and the respondent.

(d) The location and context in which the alleged conduct occurs.

(e) Whether the conduct was physically threatening.

(f) Whether the conduct was humiliating.
(g) Whether the conduct arose in the context of other discriminatory conduct.

(E) No supervisor (including a faculty supervisor), manager, or official representative of the university shall directly or indirectly imply or threaten that an applicant, employee, or student’s submission to or refusal of sexual advances will positively or negatively affect his or her employment, employment conditions, career development, or academic status. This prohibition includes, but is not limited to, instructors, faculty members, graduate assistants and teaching assistants.

(F) Employee-student consensual relationships. Relationships that might be appropriate in other contexts may, within a university setting, create the appearance or basis for an abuse of power, conflict of interest, favoritism, or of undue advantage. Many university employees are entrusted with advising and mentoring students, evaluating their work, and recommending students for advancement in employment, programs or academia. The unequal institutional power which is inherent in such a relationship heightens the vulnerability of both the student and employee for possible abuse or coercion and can present real or perceived conflict.

(1) For purposes of this policy, a consensual intimate or sexual relationship is a relationship of an intimate, dating, and/or sexual nature entered into with the consent of both parties (hereinafter referred to as a relationship for purposes of this policy).

(2) This policy applies to employees and individuals, whether paid or unpaid, who teach, coach, evaluate, supervise, advise, control, or influence student employment, academic, or resource opportunities. These individuals include but are not limited to:

(a) Faculty, lecturers, and instructors (including visiting faculty/instructors),

(b) Graduate students,

(c) Teaching assistants,

(d) Academic advisors,

(e) Coaches,

(f) Residence hall professional staff.
(3) **Undergraduate-Intimate relationship with students.** Because of the elevated risk and the potential exposure of the university and employees to liability for violation of laws against sexual harassment and discrimination and in order to maintain an environment as free as possible from conflicts of interest and favoritism, no employee/individual as defined in this rule shall enter into a relationship with a Youngstown state university **undergraduate**-student, including but not limited to undergraduate, graduate, part-time or full-time, regardless of whether or not there is a direct supervisory or evaluative relationship between them. Should a relationship predate either admission or employment with the university, the individuals involved in the relationship shall inform his/her immediate supervisor and dean and alternate supervisory or academic arrangements shall be made. This prohibition does not apply to married couples; however, rule 3356-7-01 of the Administrative Code regarding conflicts of interest should be consulted. (Corresponding university policy 3356-7-01 can be found at: [http://cms.ysu.edu/administrative-offices/university-policies/university-policies.](http://cms.ysu.edu/administrative-offices/university-policies/university-policies.))

(4) **Graduate students.**

(a) Relationships involving graduate students can also raise issues of conflict of interest, favoritism, and exploitation; therefore, no employee/individual should enter into a relationship with a university graduate student under his/her supervision, evaluation, or advisement. Should such a relationship arise or predate the institutional relationship, the employee/individual must promptly notify his/her supervisor in order to make alternate arrangements (where appropriate). This prohibition does not apply to married couples.

(b) In those instances where a faculty member/instructor and a graduate student enter into a relationship and are in the same department or affiliated with the same graduate program, the possibility exists that the faculty member/instructor could influence the academic evaluation or advancement of the student. Therefore, such relationships must be disclosed promptly by the faculty member/instructor to his/her department chair upon the beginning of the relationship. A relationship that predates the effective date of this policy must also be promptly disclosed to the applicable department chair. If the relationship involves a department chair, then the disclosure shall be made to the appropriate dean.

This prohibition does not apply to married couples; however, effective management of department and/or program integrity is paramount and
such situations will be considered on a case-by-case basis and dealt with in consultation with the chair, dean, and provost.

(e) Rule 3356-7-01 of the Administrative Code regarding conflicts of interest should be consulted for situations involving married couples. (Corresponding university policy 3356-8-01 can be found at: http://cms.ysu.edu/administrative-offices/university-policies/university-policies.)

(G) Duty of managers and supervisors to act. Any supervisor, including executive and administrative officers, chairs, executive directors/directors, or faculty supervisor who becomes aware of information that would lead a reasonable person to believe that harassment and/or discrimination has or is occurring shall notify the office of equal opportunity and policy development ("EOPD") and/or human resources promptly but no later than five working days after becoming aware of the information. The office of human resources shall promptly notify EOPD.

(H) Complaint procedures.

(1) The university encourages all persons who believe they have experienced or witnessed discrimination or harassment to promptly file a complaint with EOPD. A complaint may be formal or informal. However, a complaint alleging a violation of this policy must be filed within three hundred days of the behavior or the last incident at issue. Delays in filing or reporting may make it more difficult for the university to conduct an investigation.

(2) An individual also has the right to file a complaint with external agencies, including, but not limited to, the Ohio civil rights commission, the equal employment opportunity commission and/or the department of education. Utilizing the university’s internal complaint procedure does not extend the deadline for filing a complaint with the external agencies. However, it is recommended that the complainant first exhaust the internal complaint procedures by promptly reporting the complaint.

(3) The university may assume the role of a complainant and pursue a complaint either informally or formally when it obtains information that would lead a reasonable person to believe that this policy has been violated. In these instances, the university may take any action it deems appropriate, including informing the alleged perpetrator of the complaint and pursuing an investigation even in cases where an alleged victim of harassment or discrimination is reluctant to proceed. The alleged victim will be notified in advance when such action is necessary.
Complaint investigations will follow the procedures set forth in the university’s “Guidelines for Initiating and Investigating Complaints of Discrimination and Harassment.” These guidelines may be obtained from EOPD.

Information related to a report of discrimination and/or harassment will only be shared with those university employees who need to know in order to assist in the review, investigation, or resolution of a complaint. The university will make every reasonable effort to conduct all proceedings in a manner that will protect the privacy of all parties. Parties to the complaint should treat the matter under investigation with discretion and respect for the reputation of all parties involved.

Interim measures. During the course of an investigation, it may be necessary and advisable for the university to take appropriate interim measures that are reasonably available to alleviate the conduct which is the basis of a complaint. These interim measures may include, but are not limited to, separating the parties, placing limitations on contact between the parties, or making alternative academic, living or workplace arrangements. Failure to comply with the terms of interim measures is a violation of this policy and may result in corrective measures, even if the initial complaint is not proven.

Non-retaliation. University policy and state and federal law prohibit retaliation against an individual for reporting discrimination or harassment or for assisting or participating in an investigation. Persons who believe they are experiencing retaliation for reporting or participating in an investigation of a complaint are strongly encouraged to contact EOPD. Any person found to have retaliated against another for reporting, participating, or cooperating in an investigation will be in violation of this policy and will be subject to corrective measures and/or sanctions independent of the merits of the original complaint.

Corrective measures.

When it has been determined that discrimination, harassment, or retaliation has occurred, steps will be taken to ensure that the prohibited behavior is stopped. Corrective measures and/or sanctions will be imposed consistent with the severity of the offense, applicable university procedures, and collective bargaining agreements. Corrective measures may include sanctions and/or discipline up to and including termination for employees and expulsion for students. In the event that a record of such sanctions will become a part of an employee’s personnel records, prior notice will be given to the employee.
Sanctions may also be imposed on any individual with a duty to act under this policy and associated procedures, who fails to respond in a manner consistent with this policy to a complaint or reasonable information of discrimination, harassment, or retaliation.

To the extent possible under applicable law and policies, a complainant will be informed of the corrective measures taken.

False allegations. It is a violation of this policy for anyone to intentionally report information or allegations that they know, or reasonably should know, to be untrue or false. Sanctions may be imposed on individuals who make false accusations of discrimination or harassment. Failure to prove a claim of discrimination or harassment is not equivalent to a false allegation and no person shall be penalized for good faith reporting of concerns under this policy.

Use of discrimination and harassment allegations in employment actions or academic status decisions. When making decisions affecting an individual’s employment or academic status, allegations of discrimination and harassment may be considered only if they have been addressed through this policy or procedure, a court of law, or other administrative proceeding such as a student conduct hearing for a student accused of a policy violation. Whenever such an allegation is discussed as part of a determinant in the terms and conditions of an employment or academic status, the affected party should be given notice.

Policy and procedure administration. The office of equal opportunity and policy compliance is responsible for the administration of this policy and the associated procedures. However, all university employees, staff, and students play a role in preventing and reporting discrimination and harassment.

Educational goals and objectives.

It is the goal of the university to prevent and eliminate discrimination and/or harassment and to foster an environment of respect for all individuals. In furtherance of these goals, every employee shall complete programs and/or training as directed by the office of human resources and/or the office of equal opportunity and policy compliance. The office of human resources, in conjunction with the office of equal opportunity and policy compliance, shall provide information, programs, and/or training to meet the following goals:

(a) Provide information about the university’s policies relating to discrimination and harassment and the corresponding procedures and reporting mechanisms.
(b) Include information regarding this policy in orientation materials for new faculty, staff, students, and volunteers.

(c) Notify persons of inappropriate conduct and encourage appropriate behavior when interacting with others.

(d) Inform the university community about the problems caused by discrimination and harassment and the unacceptability and illegality of discrimination and harassment.

(e) Address issues of discrimination and harassment from a multicultural perspective.

(2) A statement regarding discrimination and harassment will appear in the university bulletins (graduate and undergraduate), on the webpage of the office of equal opportunity and policy development, and relevant portions shall be referenced in “The Student Code of Conduct.”

(P) Information, assistance, and counseling.

(1) Individuals may seek general information, anonymously or otherwise, regarding this policy by contacting any of the following offices/units. However, general inquiries with these offices/units will not be considered a report to the university and will not result in action under this policy.

(a) The equal opportunity and policy compliance development and Title IX office.

(b) The center for student progress/office of disability services.

(c) Housing and residence life.

(d) Office of human resources.

(e) Intercollegiate athletics.

(f) Office of student affairs through the ombudsperson.

(2) A student may seek counseling or support services on campus from the university student counseling services during regular business hours (330-941-3527 737). Employees may contact the office of human resources for information on available counseling services. Information shared within the context of counseling services is considered confidential to the extent permitted by state and federal law.
(3) An individual who seeks information, assistance, or counseling may still utilize this policy to file a complaint.

(4) For information on sexual misconduct including sexual assault, dating violence, domestic violence, stalking, or any other conduct of a sexual nature that is carried out without consent or through force, threat, intimidation or coercion, please see rule 3356-2-3.1 of the Administrative Code. (Corresponding university policy 3356-2-3.1 can be found at: http://cms.ysu.edu/administrative-offices/university-policies/university-policies.)
(A) Policy statement. Youngstown state university ("university") does not discriminate on the basis of race, color, national origin, age, sexual orientation, gender identity and/or expression, disability, or veteran status or any other basis protected by law in its programs or activities. The university is firmly committed to maintaining a working and learning environment free of discrimination and harassment of any employee, applicant for employment, student, or visitor. The university community seeks to eliminate discrimination and harassment through education and encourages staff, faculty, students, visitors, and volunteers to report concerns or complaints. Prompt corrective measures will be taken to stop discrimination and harassment whenever it occurs.

This policy shall be interpreted and applied consistent with the speech protections of the first amendment of the United States Constitution.

(B) Purpose. The purpose of this policy is to establish expectations for institutional and individual conduct, aid the university community in recognizing and preventing discrimination and harassment, and provide effective reporting and response mechanisms. For purposes of this policy, the university community includes, but is not limited to, all university employees, students, and any other individual visiting or engaging in any university activity or program.

(C) Scope. This policy applies to students, faculty, employees (including student employees), third parties, campus visitors, or other individuals engaged in any university activity or program, regardless of sexual orientation or gender identity, and whether on or off campus. The prohibitions of this policy may, in some instances, be broader in scope than the legal prohibitions of state, federal, or other laws prohibiting discrimination or harassment. A determination that this policy has been violated is not equivalent to a violation of law.
(D) Definitions. For the purpose of determining whether a particular behavior or course of conduct constitutes discrimination or harassment under this policy, the following definitions shall be used:

(1) “Discrimination.” Conduct that is based on an individual’s sex (including pregnancy), race, color, religion, national origin, age, sexual orientation, gender identity and/or expression, disability, or veteran/military status or any other basis protected by law that:

(a) Adversely affects a term or condition of an individual’s employment, education, or participation in a university activity or program; or

(b) Is used as the basis for a decision affecting an individual’s employment, education, or participation in a university activity or program; or

(c) Is sufficiently severe and pervasive to a reasonable person that it substantially interferes with an individual’s employment or educational performance or creates a working, living, or educational environment that is intimidating, hostile, or abusive.

(2) “Harassment.” Conduct, or a course of conduct, that degrades or shows hostility toward an individual or group of individuals is based on sex (including pregnancy), race, color, religion, national origin, age, sexual orientation, gender identity and/or expression, disability, or veteran status or any other basis protected by law, and is sufficiently severe and pervasive to a reasonable person that it:

(a) Unreasonably interferes with an individual’s employment or education; or

(b) Objectively creates a working, living, or educational environment that is hostile, intimidating, or abusive.

(3) “Sexual harassment.” Sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature that is unwelcome and sufficiently severe or pervasive from both a subjective (the complainant’s) and an objective (reasonable person’s) viewpoint when it meets any of the following:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, academic status, or participation in a university program or activity.
Submission to or rejection of such conduct by an individual is used as the basis for employment, academic, or programing decisions affecting the individual.

The conduct has the purpose or effect of unreasonably interfering with an individual’s work or academic performance or creating an employment, academic, or participation environment that is objectively intimidating, hostile, or abusive.

Sexual harassment can be directed at a member of the same or different sex or sexual orientation. Examples of inappropriate conduct which may constitute sexual harassment include but are not limited to:

(i) Sexual advances or propositions, either explicit or implied.

(ii) Sexually suggestive or sexually degrading innuendo, comments or gestures.

(iii) Remarks or inquiries about sexual activity, sexual orientation, or gender identity or expression.

(iv) The display or communication of sexually oriented material (including through e-mail or other electronic means).

(v) Unwanted touching, hugging, or contacting another’s body.

Intimidating, hostile, or abusive environment (collectively referred to as a hostile environment) is a specific form of discrimination and is often contextual and must be based on the circumstances. These circumstances include but are not limited to:

(a) The frequency of the conduct.

(b) The nature and severity of the conduct.

(c) The relationship between the complainant and the respondent.

(d) The location and context in which the alleged conduct occurs.

(e) Whether the conduct was physically threatening.

(f) Whether the conduct was humiliating.
(g) Whether the conduct arose in the context of other discriminatory conduct.

(E) No supervisor (including a faculty supervisor), manager, or official representative of the university shall directly or indirectly imply or threaten that an applicant, employee, or student’s submission to or refusal of sexual advances will positively or negatively affect his or her employment, employment conditions, career development, or academic status. This prohibition includes, but is not limited to, instructors, faculty members, graduate assistants and teaching assistants.

(F) Employee-student consensual relationships. Relationships that might be appropriate in other contexts may, within a university setting, create the appearance or basis for an abuse of power, conflict of interest, favoritism, or of undue advantage. Many university employees are entrusted with advising and mentoring students, evaluating their work, and recommending students for advancement in employment, programs or academia. The unequal institutional power which is inherent in such a relationship heightens the vulnerability of both the student and employee for possible abuse or coercion and can present real or perceived conflict.

(1) For purposes of this policy, a consensual intimate or sexual relationship is a relationship of an intimate, dating, and/or sexual nature entered into with the consent of both parties (hereinafter referred to as a relationship for purposes of this policy).

(2) This policy applies to employees and individuals, whether paid or unpaid, who teach, coach, evaluate, supervise, advise, control, or influence student employment, academic, or resource opportunities. These individuals include but are not limited to:

(a) Faculty, lecturers, and instructors (including visiting faculty/instructors),

(b) Graduate students,

(c) Teaching assistants,

(d) Academic advisors,

(e) Coaches,

(f) Residence hall professional staff.
Intimate relationship with students. Because of the elevated risk and the potential exposure of the university and employees to liability for violation of laws against sexual harassment and discrimination and in order to maintain an environment as free as possible from conflicts of interest and favoritism, no employee/individual as defined in this rule shall enter into a relationship with a Youngstown state university student, including but not limited to undergraduate, graduate, part-time or full-time, regardless of whether or not there is a direct supervisory or evaluative relationship between them. Should a relationship predate either admission or employment with the university, the individuals involved in the relationship shall inform his/her immediate supervisor and dean and alternate supervisory or academic arrangements shall be made. This prohibition does not apply to married couples; however, rule 3356-7-01 of the Administrative Code regarding conflicts of interest should be consulted. (Corresponding university policy 3356-7-01 can be found at: [http://cms.ysu.edu/administrative-offices/university-policies/university-policies.](http://cms.ysu.edu/administrative-offices/university-policies/university-policies.)

Duty of managers and supervisors to act. Any supervisor, including executive and administrative officers, chairs, executive directors/directors, or faculty supervisor who becomes aware of information that would lead a reasonable person to believe that harassment and/or discrimination has or is occurring shall notify the office of equal opportunity and policy development (“EOPD”) and/or human resources promptly but no later than five working days after becoming aware of the information. The office of human resources shall promptly notify EOPD.

Complaint procedures.

The university encourages all persons who believe they have experienced or witnessed discrimination or harassment to promptly file a complaint with EOPD. A complaint may be formal or informal. However, a complaint alleging a violation of this policy must be filed within three hundred days of the behavior or the last incident at issue. Delays in filing or reporting may make it more difficult for the university to conduct an investigation.

An individual also has the right to file a complaint with external agencies, including, but not limited to, the Ohio civil rights commission, the equal employment opportunity commission and/or the department of education. Utilizing the university’s internal complaint procedure does not extend the deadline for filing a complaint with the external agencies. However, it is recommended that the complainant first exhaust the internal complaint procedures by promptly reporting the complaint.
(3) The university may assume the role of a complainant and pursue a complaint either informally or formally when it obtains information that would lead a reasonable person to believe that this policy has been violated. In these instances, the university may take any action it deems appropriate, including informing the alleged perpetrator of the complaint and pursuing an investigation even in cases where an alleged victim of harassment or discrimination is reluctant to proceed. The alleged victim will be notified in advance when such action is necessary.

(4) Complaint investigations will follow the procedures set forth in the university’s “Guidelines for Initiating and Investigating Complaints of Discrimination and Harassment.” These guidelines may be obtained from EOPD.

(5) Information related to a report of discrimination and/or harassment will only be shared with those university employees who need to know in order to assist in the review, investigation, or resolution of a complaint. The university will make every reasonable effort to conduct all proceedings in a manner that will protect the privacy of all parties. Parties to the complaint should treat the matter under investigation with discretion and respect for the reputation of all parties involved.

(I) Interim measures. During the course of an investigation, it may be necessary and advisable for the university to take appropriate interim measures that are reasonably available to alleviate the conduct which is the basis of a complaint. These interim measures may include, but are not limited to, separating the parties, placing limitations on contact between the parties, or making alternative academic, living or workplace arrangements. Failure to comply with the terms of interim measures is a violation of this policy and may result in corrective measures, even if the initial complaint is not proven.

(J) Non-retaliation. University policy and state and federal law prohibit retaliation against an individual for reporting discrimination or harassment or for assisting or participating in an investigation. Persons who believe they are experiencing retaliation for reporting or participating in an investigation of a complaint are strongly encouraged to contact EOPD. Any person found to have retaliated against another for reporting, participating, or cooperating in an investigation will be in violation of this policy and will be subject to corrective measures and/or sanctions independent of the merits of the original complaint.

(K) Corrective measures.
(1) When it has been determined that discrimination, harassment, or retaliation has occurred, steps will be taken to ensure that the prohibited behavior is stopped. Corrective measures and/or sanctions will be imposed consistent with the severity of the offense, applicable university procedures, and collective bargaining agreements. Corrective measures may include sanctions and/or discipline up to and including termination for employees and expulsion for students. In the event that a record of such sanctions will become a part of an employee's personnel records, prior notice will be given to the employee.

(2) Sanctions may also be imposed on any individual with a duty to act under this policy and associated procedures, who fails to respond in a manner consistent with this policy to a complaint or reasonable information of discrimination, harassment, or retaliation.

(3) To the extent possible under applicable law and policies, a complainant will be informed of the corrective measures taken.

(L) False allegations. It is a violation of this policy for anyone to intentionally report information or allegations that they know, or reasonably should know, to be untrue or false. Sanctions may be imposed on individuals who make false accusations of discrimination or harassment. Failure to prove a claim of discrimination or harassment is not equivalent to a false allegation and no person shall be penalized for good faith reporting of concerns under this policy.

(M) Use of discrimination and harassment allegations in employment actions or academic status decisions. When making decisions affecting an individual’s employment or academic status, allegations of discrimination and harassment may be considered only if they have been addressed through this policy or procedure, a court of law, or other administrative proceeding such as a student conduct hearing for a student accused of a policy violation. Whenever such an allegation is discussed as part of a determinant in the terms and conditions of an employment or academic status, the affected party should be given notice.

(N) Policy and procedure administration. The office of equal opportunity and policy compliance is responsible for the administration of this policy and the associated procedures. However, all university employees, staff, and students play a role in preventing and reporting discrimination and harassment.

(O) Educational goals and objectives.

(1) It is the goal of the university to prevent and eliminate discrimination and/or harassment and to foster an environment of respect for all individuals. In furtherance of these goals, every employee shall complete programs and/or
training as directed by the office of human resources and/or the office of equal opportunity and policy compliance. The office of human resources, in conjunction with the office of equal opportunity and policy compliance, shall provide information, programs, and/or training to meet the following goals:

(a) Provide information about the university’s policies relating to discrimination and harassment and the corresponding procedures and reporting mechanisms.

(b) Include information regarding this policy in orientation materials for new faculty, staff, students, and volunteers.

(c) Notify persons of inappropriate conduct and encourage appropriate behavior when interacting with others.

(d) Inform the university community about the problems caused by discrimination and harassment and the unacceptability and illegality of discrimination and harassment.

(e) Address issues of discrimination and harassment from a multicultural perspective.

(2) A statement regarding discrimination and harassment will appear in the university bulletins (graduate and undergraduate), on the webpage of the office of equal opportunity and policy development, and relevant portions shall be referenced in “The Student Code of Conduct.”

(P) Information, assistance, and counseling.

(1) Individuals may seek general information, anonymously or otherwise, regarding this policy by contacting any of the following offices/units. However, general inquiries with these offices/units will not be considered a report to the university and will not result in action under this policy.

(a) The equal opportunity, policy development and Title IX office.

(b) The center for student progress/office of disability services.

(c) Housing and residence life.

(d) Office of human resources.

(e) Intercollegiate athletics.

(f) Office of student affairs through the ombudsperson.
(2) A student may seek counseling or support services on campus from the university student counseling services during regular business hours (330-941-3737). Employees may contact the office of human resources for information on available counseling services. Information shared within the context of counseling services is considered confidential to the extent permitted by state and federal law.

(3) An individual who seeks information, assistance, or counseling may still utilize this policy to file a complaint.

(4) For information on sexual misconduct including sexual assault, dating violence, domestic violence, stalking, or any other conduct of a sexual nature that is carried out without consent or through force, threat, intimidation or coercion, please see rule 3356-2-3.1 of the Administrative Code. (Corresponding university policy 3356-2-3.1 can be found at: http://cms.ysu.edu/administrative-offices/university-policies/university-policies.)
Explanation of Modifications to University Policy:

3356-7-34 Outside Consulting Services – Excluded Professional/Administrative Staff, Including Deans and Chairs Policy
This policy was modified to provide parameter for the use and approval for outside consulting services/employment of professional administrative staff; to clarify the submission and approval procedures and to include language regarding policy violations.
RESOLUTION TO MODIFY AND RETITLE
OUTSIDE CONSULTING SERVICES – EXCLUDED
PROFESSIONAL/ADMINISTRATIVE STAFF, INCLUDING DEANS AND
CHAIRS POLICY, 3356-7-34

WHEREAS, University Policies are being reviewed and re-conceptualized on an
ongoing basis; and

WHEREAS, this process can result in the modification of existing policies, the
creation of new policies, or the deletion of policies no longer needed; and

WHEREAS, action is required by the Board of Trustees prior to replacing and/or
implementing modified or newly created policies, or to rescind existing policies;

WHEREAS, the Outside Consulting Services – Excluded Professional/
Administrative Staff, Including Deans and Chairs policy has been reviewed
pursuant to the five-year review cycle, and formatted in accordance with Policy
3356-1-09, Development and Issuance of University Policies.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of
Youngstown State University does hereby approve the modification of the
University Policy governing Outside Consulting Services – Excluded
Professional/ Administrative Staff, Including Deans and Chairs, policy number
3356-7-34, to be retitled as Outside Consulting Services/ Employment by
Professional/ Administrative Staff, Including Deans and Chairpersons, shown as
Exhibit __ attached hereto. A copy of the policy indicating changes to be made is
also attached.
Policy statement. Youngstown State University (university) staff are expected to primarily devote their work activities to their assigned responsibilities for meeting the expectations and responsibilities of their positions with the university. At the same time, the university recognizes that staff, the university, and the community can benefit from staff involvement in and support of outside organizations and industry. They may, however, staff may engage in outside consulting services/employment with outside entities or individuals and receive compensation for such services provided that the consulting services/employment does not interfere with the performance of their assigned university responsibilities, job performance, create a conflict of interest, or violate university policy or Ohio ethics applicable laws. Such consulting services benefit the entities or individuals receiving such services and also help to broaden the experience base and enhance the professional stature of the person offering the service, and expand and enrich the reputation of the university.

Purpose. The purpose of this policy is to establish guidelines which allow staff to engage in outside consulting/employment activities with outside entities or individuals while continuing to fulfill their work responsibilities and commitment to the university.

Scope. This policy applies to all professional/administrative staff including deans and chairpersons. Professional/administrative staff
covered by a collective bargaining agreement should also consult the applicable article[s] of the collective bargaining agreement.

(ED) Definition.
In general, "outside consulting services or employment" is defined as professional activity related to the person's field or discipline, where a person agrees to use their professional capabilities to further the agenda of a third party based on a fee-for-service or equivalent relationship or in return for prospective gain. with a third-party exists.

(DE) Parameters.

(1) All staff members of state-assisted universities are covered by Chapters 102 (Ethics) and 2921 (Offenses Against Justice and Public Administration) of the Revised Code. Professional/administrative staff providing consulting services should also refer to university policies and Administrative Code rules 3356-7-01 Conflicts of interest and conflicts of commitment, 3356-5-12 Licensing of university names and marks and 3356-4-19 Use of university equipment.

(2) Outside consulting services/employment is generally allowed unless it interferes with a staff member's university duties or presents a conflict of interest regarding these duties. A conflict of interest typically exists when financial, professional, or other personal considerations directly or indirectly affect or benefit, or have the appearance of affecting or benefiting, an employee or the employee's family or business associates (See university policy/rule of the Administrative Code 3356-7-01 Conflicts of interest and conflicts of commitment).

(3) Failure to adequately perform university responsibilities due to involvement in outside consulting/employment is considered neglect of duty and may result in corrective action up to and including termination, regardless of whether the activity has been reported or approved.

(4) Any outside consulting services/employment should be performed outside of a staff member's regular work schedule. When this is not possible, the staff member Excluded professional/administrative staff earn leave may use accrued
vacation or personal leave provided such leave is approved in advance. For the purpose of providing off-campus consulting services appropriate to their university position, professional expertise, or academic discipline. Excluded professional/administrative staff may use off-duty periods to perform consulting; however, all applicable forms and approval requirements under this policy remain in effect.

(5) University facilities, supplies, equipment, and resources, including letterhead, the university name and logo (collectively referred to as “resources”) may not be utilized when providing consulting services/employment without the prior written approval of the vice president for finance and administration and the provost or appropriate vice president and appropriate compensation for the use.

(6) A staff member may not use their affiliation with the university in a manner that suggests university approval of or involvement with the service/employment or any product, activity, purpose, or findings of the service or work.

(EF) Procedures.

(1) All professional/administrative staff members engaged in outside consulting/employment shall annually complete the human resources professional/administrative staff outside consulting/employment form. Excluded professional/administrative staff considering service as a consultant should first discuss their interest with their immediate supervisor. This preliminary discussion should include the impact such service may have on duties and assignments and the anticipated time commitment and length of service. If there is agreement that the service may be pursued, the staff member must fully complete the professional/administrative staff outside consulting form and submit the form to his/her supervisor for approval/disapproval. Generally, the completed form should be submitted to the staff member's immediate supervisor at least thirty days prior to the time when consulting services are expected to begin.
(2) If the supervisor supports the request, an endorsed copy of the request is forwarded to the next level. This process continues until the request, with endorsements, is received by the provost or appropriate vice president. Final approval is within the discretion of the appropriate vice-president/provost.

(3) The completed form shall be forwarded to retained in the office of human resources where it is retained in accordance with university retention schedules.

(3) Final approval for authorization is the provost or appropriate vice president.

(4) Prior approval may be rescinded at any time if the outside consulting/employment interferes with a staff member’s university duties or presents a conflict of interest regarding these duties.

(5) The office of human resources will forward a copy of the completed form, whether approved or disapproved, via university e-mail to the staff member.

(6) All professional/administrative staff members are under a continuing duty to:

(a) Update a previously submitted request form when changes occur to their outside consulting/employment.

(b) Submit a request form when they engage in previously unreported outside consulting services/employment.

(4) University facilities, supplies, equipment, and resources, including letterhead (collectively referred to as “resources”) may not be utilized when providing consulting services without appropriate compensation and prior written approval of the vice-president for finance and administration and the provost or appropriate vice president. A staff member may not use the university name or the fact that they are affiliated with the university in a manner that suggests that the university approves the product or service that is the subject of the consulting or that would suggest university involvement or approval of the consulting activity, purpose, or findings.
(5) Excluded professional/administrative staff providing consulting services should refer to rules 3356-7-01, 3356-7-18, and 3356-5-12 of the Administrative Code.

(G) Policy violations. Failure to adhere to this policy, including but not limited to failure to properly report outside consulting services/employment may result in corrective action/discipline up to and including termination.
Outside consulting services/employment by professional/administrative staff, including deans and chairpersons.

Responsible Division/Office: Legal Affairs and Human Resources
Responsible Officer: Vice President for Legal Affairs and Human Resources
Revision History: April 1999; December 2013; September 2019
Board Committee: University Affairs
Effective Date: September 5, 2019
Next Review: 2024

(A) Policy statement. Youngstown state university (university) staff are responsible for meeting the expectations and responsibilities of their positions with the university. At the same time, the university recognizes that staff, the university, and the community can benefit from staff involvement in and support of outside organizations and industry. Staff may engage in outside consulting services/employment provided that the consulting services/employment does not interfere with the performance of their university responsibilities, job performance, create a conflict of interest, or violate university policy or applicable laws.

(B) Purpose. To establish guidelines which allow staff to engage in outside consulting/employment activities while continuing to fulfill their work responsibilities and commitment to the university.

(C) Scope. This policy applies to all professional/administrative staff including deans and chairpersons. Professional/administrative staff covered by a collective bargaining agreement should also consult the applicable article[s] of the collective bargaining agreement.

(D) Definition. In general, “outside consulting services or employment” is defined as professional activity related to a person’s field or discipline, where a person agrees to use their professional capabilities to further the agenda of a third party based on a fee-for-service or equivalent relationship or in return for prospective gain.

(E) Parameters.
(1) All staff members of state-assisted universities are covered by Chapters 102 (Ethics) and 2921 (Offenses Against Justice and Public Administration) of the Revised Code. Professional/administrative staff providing consulting services should also refer to university polices and Administrative code rules 3356-7-01 Conflicts of interest and conflicts of commitment, 3356-5-12 Licensing of university names and marks and 3356-4-19 Use of university equipment.

(2) Outside consulting services/employment is generally allowed unless it interferes with a staff member’s university duties or presents a conflict of interest regarding these duties. A conflict of interest typically exists when financial, professional, or other personal considerations directly or indirectly affect or benefit, or have the appearance of affecting or benefiting, an employee or the employee’s family or business associates (See university policy/rule of the Administrative Code 3356-7-01 Conflicts of interest and conflicts of commitment).

(3) Failure to adequately perform university responsibilities due to involvement in outside consulting/employment is considered neglect of duty and may result in corrective action up to and including termination, regardless of whether the activity has been reported or approved.

(4) Any outside consulting services/employment should be performed outside of a staff member’s regular work schedule. When this is not possible, the staff member may use accrued vacation or personal leave provided such leave is approved in advance.

(5) University facilities, supplies, equipment, and resources, including letterhead, the university name and logo (collectively referred to as “resources”) may not be utilized when providing consulting services/employment without the prior written approval of the vice president for finance and administration and the provost or appropriate vice president and appropriate compensation for the use.

(6) A staff member may not use their affiliation with the university in a manner that suggests university approval of or involvement with
the service/employment or any product, activity, purpose, or findings of the service or work.

(F) Procedures.

(1) All professional/administrative staff members engaged in outside consulting/employment shall annually complete the human resources professional/administrative staff outside consulting/employment form. The completed form should be submitted to the staff member’s immediate supervisor at least thirty days prior to the time when consulting services are expected to begin.

(2) If the supervisor supports the request, the request is forwarded to the next level. This process continues until the request, with endorsements, is received by the provost or appropriate vice president. Final approval is within the discretion of the appropriate vice-president/provost.

(3) The completed form shall be forwarded to the office of human resources where it is retained in accordance with university retention schedules.

(4) Prior approval may be rescinded at any time if the outside consulting/employment interferes with a staff member’s university duties or presents a conflict of interest regarding these duties.

(5) The office of human resources will forward a copy of the completed form, whether approved or disapproved, via university e-mail to the staff member.

(6) All professional/administrative staff members are under a continuing duty to:

(a) Update a previously submitted request form when changes occur to their outside consulting/employment.

(b) Submit a request form when they engage in previously unreported outside consulting services/employment.
(G) Policy violations. Failure to adhere to this policy, including but not limited to failure to properly report outside consulting services/employment may result in corrective action/discipline up to and including termination.
Explanation to Rescind University Policy:

3356-7-10 Staff Development Leave, Excluded Professional/Administrative Staff
Since the last effective date of the policy, September 24, 2014, no requests for staff development leave have been submitted by excluded professional/administrative staff. The absence of requests demonstrates that there is not an institutional need for the policy.
RESOLUTION TO RESCIND
STAFF DEVELOPMENT LEAVE, EXCLUDED
PROFESSIONAL/ADMINISTRATIVE STAFF POLICY, 3356-7-10

WHEREAS, University Policies are being reviewed and reconceptualized on an ongoing basis; and

WHEREAS, this process can result in the modification of existing policies, the creation of new policies, or the deletion of policies no longer needed; and

WHEREAS, action is required by the Board of Trustees prior to replacing and/or implementing modified or newly created policies, or to rescind existing policies;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Youngstown State University does hereby rescind the University Policy governing Staff Development Leave, Excluded Professional/Administrative Staff, policy number 3356-7-10, shown as Exhibit __, attached hereto.

Board of Trustees Meeting
September 5, 2019
YR 2020-
3356-7-10 Staff development leave, excluded professional/administrative staff.

Previous Policy Number: 7002.06
Responsible Division/Office: Finance and Administration/HR
Responsible Officer: VP for Finance and Administration
Revision History: Octob34 1998; September 2009; September 2014
Board Committee: University Affairs
Effective Date: September 24, 2014
Revision: September 2016
Next Review: 2019

(A) Policy statement. The university is committed to employment practices that promote the health and welfare of its employees. Through its leave programs, it provides for and encourages preventive health care; physical, emotional, and mental well-being; professional growth and development; and civic responsibility.

(B) Scope. Staff development leaves offer members of the excluded professional/administrative staff opportunities for professional growth and development that are related to the individual’s position at the university and serve to enhance the recipient’s professional contributions to the university. Employees covered by collective bargaining may refer to their respective labor agreement.

(C) Parameters.

(1) Full-time excluded professional/administrative staff may be granted a staff development leave for a period of up to three months. The leave may be extended, if it is determined by the executive officer to whom the individual reports to be in the best interest of the university. Leave recipients remain in full-pay and benefits status while on leave.

(2) The university may grant up to two staff development leaves each year to the excluded professional/administrative staff.

(3) A leave recipient is required to return to the university for a minimum of one year of service following completion of the leave.
(4) Academic department chairpersons should refer to rule 3356-10-08 of the Administrative Code, “Sabbatical leave for department chairpersons.”

(D) Procedures.

(1) Applicants for staff development leave must submit a completed “Application for Staff Development Leave” to his/her supervisor for review by the application deadline date.

(2) The supervisor will forward a recommendation to accept or reject the request to the executive officer to whom the applicant reports.

(3) Due to the limited number of available leaves, executive officers will consult to identify the one or two requests that will be granted for the year and will forward the recommendation(s) to the office of human resources.

(4) Leave applications will be reviewed with reference to time requested, budget considerations, evidence of potential value to the university, the job performance of the applicant, and the needs of the university.

(5) All applicants will be notified regarding their application.

(6) Within sixty days after completion of the leave, the employee shall submit a written report of the professional development activities to the appropriate executive officer.

(7) Human resources will provide an annual report of all staff development leaves granted to the university affairs committee of the board of trustees at the committee’s last scheduled meeting which precedes the final board of trustees meeting of a calendar year.

(E) Compliance and fraud. Staff failing to comply with leave policies and procedures may be denied use of leave and corrective action may be initiated. Requests for leave with the intent to defraud or falsification of leave documents may result in corrective action up to and including
dismissal and reimbursement to the university of salary or wages paid during such leave.
RESOLUTION TO RATIFY
PERSONNEL ACTIONS

WHEREAS, the Policies of the Board of Trustees authorize the President to manage the University, including appointing such employees as are necessary to effectively carry out the operation of the University and any other necessary personnel actions; and

WHEREAS, new appointments and other personnel actions have been made subsequent to the June 6, 2019, meeting of the Board of Trustees; and

WHEREAS, such personnel actions are in accordance with the 2019-2020 Budget and with University policies 3356-2-02, Equal Opportunity and Affirmative Action Recruitment and Employment; 3356-9-02, Selection and Annual Evaluation of Administrative Officers of the University; 3356-7-42, Selection of Professional/Administrative Staff; and 3356-7-43, Externally Funded Professional/Administrative Staff;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of Youngstown State University does hereby ratify and confirm the personnel actions as listed in Exhibit ___ attached hereto.
SUMMARY OF PERSONNEL ACTIONS
Professional Administrative and Faculty Employees
4/16/19 through 7/15/19

Appointments – 13

New Positions – 4 *(Notated with an asterisk *)
  • Professional Administrative Staff – 1
  • Professional Administrative Externally Funded – 3

Replacement Positions – 9
  • Professional Administrative Staff – 4
  • Professional Administrative Excluded – 4
  • Professional Administrative Externally Funded – 1

Separations – 25

  • Professional Administrative Staff – 6
  • Professional Administrative Excluded – 6
  • Professional Administrative Externally Funded – 3
  • Faculty – 10

Reclassifications/Position Adjustments – 28

  • Professional Administrative Staff – 7
  • Professional Administrative Excluded – 14
  • Faculty – 7

Promotions – 7

  • Professional Administrative Staff – 4
  • Professional Administrative Excluded – 1
  • Faculty – 2

Salary Adjustments – 4

  • Professional Administrative Excluded – 1
  • Professional Administrative Externally Funded – 1
  • Faculty – 2

Transfers – 1

  • Professional Administrative Staff – 1
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<tr>
<th>EMPLOYEE NAME</th>
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<th>POSITION TITLE</th>
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<td>Bridge, Thomas*</td>
<td>APAS</td>
<td>Network Architect</td>
<td>IT Infrastructure Services</td>
<td>6/17/2019 1.00 $ 84,510.00</td>
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<td>Haskins, Jacob</td>
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<td>Housing &amp; Residence Life</td>
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<td>Miller, Kelli</td>
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<td>Mech Ind &amp; Manufacturing Engineering</td>
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*New Positions
# YOUNGSTOWN STATE UNIVERSITY

## PROFESSIONAL ADMINISTRATIVE AND FACULTY

### PERSONNEL ACTIONS 4/16/19 THROUGH 7/15/19

### SEPARATIONS

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<tr>
<th>EMPLOYEE NAME</th>
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<th>POSITION TITLE</th>
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