

SECTION F: ETHICAL RESPONSIBILITIES

Faculty members shall follow professional ethical standards in conducting the affairs of the University. These standards are articulated in the Ohio Ethics Law, the Statement on Teaching Responsibilities, the Sexual Harassment Policy, the Racial and Ethnic Harassment Policy, the Policy on Violence, the Drug-Free Workplace Policy and professional codes of ethics.

1. The Ohio Ethics Law (General Assembly of Ohio, 1973)

The Ohio Ethics Law was enacted in 1973 by the General Assembly to ensure the integrity of government and to improve public confidence in government officials and employees. The following eleven points describe the major provisions of the law:

- a) Conflict of Interest. The Ethics Law guards against public officials and employees who would misuse their positions for personal gain or benefit.

Section 102.03 of the Revised Code prohibits persons appointed to or employed by a public agency now or within the past year from appearing before that agency in a representative capacity, the so-called "revolving door." The section also prohibits the disclosure or use for profit of confidential information acquired during public service, and restricts participation in license or rate-making proceedings where personal benefits might be derived. In addition, the section prohibits public servants from using their positions to secure anything of value for themselves.

Section 102.04 prohibits public servants, whether elected, appointed, or employed, from appearing before or selling goods and services to other agencies within the same governmental entity. The section does, however, exempt non-elected public officials and employees from the prohibition if they first declare their intent in the form of a statement filed with both the agency with which they serve and the agency with which the business is to be conducted.

- b) Investigations. The Commission responds to complaints and conducts its own investigations into alleged conflicts of interest.
- c) Confidentiality. All matters concerning investigations are confidential. If, after a hearing, a complaint is dismissed, the accused person may ask that the matter be made public.
- d) Hearings. The Commission conducts hearings on complaints filed with it after it has been determined that the complaint is not frivolous and that there is reasonable cause to believe the facts as alleged would constitute a violation.
- e) Report of Findings. If the Commission finds, based on a preponderance of the evidence, that a public official has violated the Ethics Law, the evidence is turned over to the appropriate prosecuting authority.
- f) Penalties. Persons found guilty under the Ohio Ethics Law may be fined a maximum of \$1,000 or imprisoned up to six months or both. Persons required to file a financial disclosure statement, but who fail to do so, face a maximum fine of \$250 and up to thirty days' imprisonment.
- g) Financial Disclosure. All candidates for public office, except those running for village, township, or school board office, and all elected officials, except those

holding village, township, or school board office, are required to file a financial disclosure statement with the appropriate Ethics Commission each year. Also, certain appointed State officials are required to file a disclosure statement. The statement requires that sources of income and other financial interests be disclosed. Most public officials are required to file with their respective Ethics Commission by April 15 each year. Candidates are required to file thirty days prior to the first election in which they appear. Statements are available from any county board of elections or from the Commission.

- h) Public Inspection. Financial disclosure statements on file with the Commission are open to public inspection and copies are available on written request.
- i) Special Rules. The Ohio Ethics Commission has adopted two rules under its rule-making authority that extend the financial disclosure filing requirement to certain classes of public officials. The first such rule, EC-2, requires the chief administrative officers of about 100 state boards, commissions, and other agencies to file an annual statement. The second rule, EC-3, requires the members of the same boards, commissions, and other agencies to file a disclosure statement.
- j) Four Ethics Commissions. The administration of the Ohio Ethics Law is entrusted to four separate agencies, each having a distinct jurisdiction. The House Legislative Ethics Committee and the Senate Legislative Ethics Committee are concerned with candidates for and members and employees of the General Assembly. The Supreme Court Board of Commissioners on Grievances and Discipline is concerned with judicial officers, employees, and candidates for judicial office. The Ohio Ethics Commission has jurisdiction over all other public officials, employees, and candidates for public office under the purview of Chapter 102 of the Revised Code.
- k) Advisory Opinions. The Commission issues advisory opinions in response to questions relating to ethics, conflicts of interest, and financial disclosure.

2. Teaching Responsibilities

a) Introduction

Generations of teacher-scholars have recognized that membership in the academic profession carries with it special responsibilities. The nature of the educational process, the circumstances necessary to search for truth, and the use, extension, and transmission of knowledge have resulted in various statements of the concept of academic freedom. Always, this demand for freedom has been accompanied by an awareness of a concomitant responsibility, which has been part of the conduct of reasonable, learned, and humane men and women who practice the worthy and dignified profession of teacher-scholar.

Although many aspects of this sense of responsibility have been, and will remain, unwritten and understood, the faculty of BGSU wishes to reaffirm in a formal way its recognition of its special responsibilities as set forth in the following statement.

b) Statement

The faculty of BGSU reaffirms that the following are an accepted part of their responsibilities as teacher-scholars:

- (1) The responsibility to assure the student's freedom to learn, through maintaining an atmosphere conducive to free inquiry, the respect of the student as an

individual, and the evaluation of students based on professionally judged academic performance without regard to personal or political matters irrelevant to that performance.

- (2) The responsibility to exercise intellectual honesty, through the development and improvement of one's scholarly competence, the exercise of critical self-discipline and judgment, and the avoidance of subsidiary interests that compromise or hamper freedom of inquiry.
- (3) The responsibility to state clearly the objectives of the courses taught, to direct the instruction toward the fulfillment of these objectives, and to avoid the persistent intrusion of material irrelevant to the established course definition or apart from the faculty member's area of scholarly competence.
- (4) The responsibility to participate meaningfully and constructively in the governance of the institution, and the maintenance of high professional standards in the objective evaluation of colleagues.
- (5) The responsibility to meet classes and other academic obligations regularly and at scheduled times, to assist in arrangement when emergencies intervene, to maintain reasonable opportunities for student contact and conference, and to provide information on progress and evaluation as part of the student learning experience.
- (6) The responsibility to determine the amount and character of the work done outside the institution with due regard to one's paramount responsibility within it.
- (7) The responsibility, while acting as a private citizen with the rights and obligations of any citizen, to avoid creating the impression that one speaks or acts for the University.
- (8) The responsibility to observe the stated regulations of the institution, but to guard the right to criticize and seek revision peacefully.

3. Equal Opportunity and Anti-Harassment Policies

Bowling Green State University is committed to providing faculty, staff and students with an environment where they may pursue their careers or studies free from discrimination. The Office of Equity, Diversity and Immigration Services is responsible for administering the University's Equal Opportunity and Anti-Harassment Policies. The office exists, in part, to ensure that all members of the University community understand their responsibility to create and maintain an environment free from discrimination and harassment.

The University pledges itself to the broad application of the Civil Rights Act of 1964, as amended, in particular Titles VI and VII, Executive Order 11246, Title IX of the Education Amendments of 1972, the Americans With Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, the Vietnam ERA Veterans' Readjustment Assistance Act of 1974, and Chapter 4112 of the Ohio Revised Code.

a) Equal Employment Opportunity Policy

Bowling Green State University is committed to providing equal employment opportunity. The University prohibits discrimination against employees and applicants for employment on the basis of race, sex, sexual orientation, color, national origin, ancestry, religion, age, marital status, disability, or

status as a special disabled or Vietnam-era veteran. The Office of Equity, Diversity and Immigration Services is responsible for equal opportunity compliance.

b) Equal Education Opportunity Policy

Bowling Green State University is committed to providing equal education opportunity. The University provides access to educational programs and activities without regard to race, sex, sexual orientation, color, national origin, ancestry, religion, age, marital status, disability, or status as a special disabled or Vietnam-era veteran. The policy with respect to sexual orientation does not apply to the University's relationships with outside organizations including the federal government, the military, and ROTC. The Office of Equity, Diversity and Immigration Services is responsible for equal educational opportunity compliance.

c) Anti-Harassment Policy

Bowling Green State University strives to provide an environment that is free of harassment. The University's policy against discriminatory harassment applies to all faculty, students, staff, contractors, and vendors. The policy covers harassment based on sex, sexual orientation, race, color, religion, ancestry, national origin, disability, age, and status as a special disabled or Vietnam-era veteran. Sexual harassment is the subject of a separate policy which is more fully discussed below. Members of the University community should bring problems or questions regarding discriminatory harassment to the attention of the Office of Equity, Diversity and Immigration Services.

d) Sexual Harassment

Sexual harassment is a violation of Chapter 4112 of the Ohio Revised Code. Title VII of the Civil Rights Act of 1964, and Title IX of the Educational Amendments of 1972. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

- (1) submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or academic pursuits;
- (2) submission to or rejection of such conduct by a person is used as the basis for employment decisions or academic decisions affecting such individual; or
- (3) such conduct has the purpose or effect of unreasonably interfering with a person's work or academic performance or creating an intimidating, hostile, or offensive working or education environment.

Members of the University community should bring problems or questions regarding sexual harassment to the attention of the Office of Equity, Diversity and Immigration Services.

e) Retaliation

Retaliation against members of the Bowling Green State University community who exercise their right to file charges of discrimination or harassment is strictly prohibited

by state and federal law and University policy. Retaliation is prohibited whether or not the charging party prevails in the original charge. Subsequent to, or contemporaneous with the charge, no agent of the University may harass, coerce, intimidate, or discriminate against an individual who has filed a complaint or participated in the complaint resolution process. Charges of retaliation will be investigated by the Office of Equity, Diversity and Immigration Services.

f) Grievance Procedures

The procedures outlined below are designed to provide sufficient flexibility with which to deal with the wide range of incidents that fall under the terms "unlawful harassment or discrimination including sexual, racial, and ethnic harassment." They are intended to be responsive to the situation at hand and will be as formal or informal as the allegations under review indicate.

- (1) Procedure for the Complainant
 - (a) A person who believes that he/she has been unlawfully harassed or discriminated against should contact the Office of Equity, Diversity and Immigration Services. Staff in this Office will initially discuss the matter with the complainant to ascertain, as fully as possible, the validity of the charges and the scope of the problem. At this time, it will be determined if there is a basis for investigation.
 - (b) Initial discussions with staff in the Office of Equity, Diversity and Immigration Services should not make reference to the name of any accused person unless the complainant is ready to file a formal complaint and proceed with an investigation.
 - (c) Before the Office can begin its investigation, the allegations shall be submitted, in writing, to the Director of Equity, Diversity and Immigration Services. Until this occurs, the matter will not be discussed with anyone other than the complainant.
 - (d) An investigation will be conducted by a staff person in the Office of Equity, Diversity and Immigration Services only if the complainant has filed a formal, written complaint.
 - (e) The role of the Office of Equity, Diversity and Immigration Services in the processing of the complaint will include, but is not limited to, the following:
 - i) consultation with the complainant;
 - ii) discussion with appropriate persons suggested by the complainant who may have knowledge of the situation and can be of assistance in establishing the facts of complaint;
 - iii) preparing a complete investigative report of the complaint, including recommendations for resolution, this shall be submitted, in writing, to the Vice President to whom the respondent reports for appropriate administrative action, with copies being sent to the complainant and the respondent.

- (f) If the complainant is not satisfied with the action taken by the Vice President, the complainant may appeal, in writing, within seven calendar days of the notification of the Vice President's decision, to the President of the University, who will then review the appeal and respond, in writing, within ten calendar days after receiving the appeal, to all parties—respondent, complainant, Director of Equity, Diversity and Immigration Services, and the Vice President to whom the respondent reports—concerning the disposition of the appeal.

(2) Procedure for the Respondent

- (a) Investigations regarding alleged instances of unlawful harassment and discrimination will be conducted by staff in the Office of Equity, Diversity and Immigration Services only if a formal, written complaint has been filed with the Director of Equity, Diversity and Immigration Services.
- (b) The role of the Office of Equity, Diversity and Immigration Services in the processing of the complaint will include, but is not limited to, the following:
 - i) consultation with the respondent;
 - ii) discussion with appropriate persons suggested by the respondent who may have knowledge of the situation and can be of assistance in establishing the facts of the complaint;
 - iii) preparing a complete investigative report of the complaint, including recommendations for resolution, this shall be submitted, in writing, to the Vice President to whom the respondent reports for appropriate administrative action, with copies being sent to the complainant and the respondent. All files of the grievance shall be kept in the Office of Equity, Diversity and Immigration Services for a minimum of three years. After this three- year period, maintenance of files should be consistent with University policy.
- (c) If the respondent is not satisfied with the action taken by the Vice President, the respondent may appeal, in writing, within seven calendar days of the notification of the Vice President's decision, to the President of the University, who will then review the appeal and respond, in writing, within ten calendar days after receiving the appeal, to all parties—respondent, complainant, Director of Equity, Diversity and Immigration Services, and the Vice President to whom the respondent reports—concerning the disposition of the appeal.

(3) Principles

In investigating complaints of unlawful harassment and discrimination, the following principles will be adhered to:

- (a) Each complaint will be handled on an individual, case-by-case basis, taking a look at the record as a whole and at the totality of circumstances.
- (b) The investigation will be conducted as fairly and expeditiously as possible.
- (c) In investigating complaints of sexual harassment, confidentiality will be accorded with the utmost respect for both the complainant and the respondent.
- (d) A person bringing forth an honestly perceived complaint of sexual harassment will not suffer any type of retaliation regardless of the outcome of the complaint.
- (e) The complaint will be resolved in a manner which is consistent with this policy and also fair and equitable to all parties concerned.

4. Policy on Violence

It is the policy of Bowling Green State University that acts of violence, threats of violence, or intimidation will not be tolerated. Bowling Green State University recognizes the importance of providing a safe environment for all its members. In this community, victims/survivors will be treated with dignity and respect. Any persons found in violation of this policy may be subject to disciplinary action (B-II.F.3 and B-I.E). Violators may also be subject to criminal prosecution.

5. Drug-Free Workplace Policy

In order to ensure the University's commitment to a quality educational and work environment, every faculty member, employee and student has a right to work and learn in an environment free from the effects of abuse of alcohol and other drugs.

Therefore, it is the policy of Bowling Green State University to prohibit the unlawful use, sale, dispensing, transfer, or possession of controlled substances, alcoholic beverages, drugs not medically authorized, or any other substance that may impair an individual's academic or work performance or pose a hazard to the individual, public, students, or employees of the University on its property or at any of its activities.

It is the responsibility of each faculty member, employee and student to adhere to this policy. If a violation of this policy occurs, support programs will be made available where appropriate. Disciplinary action may be taken up to and including dismissal or expulsion from the University and possible criminal prosecution. The University will make appropriate effort to provide rehabilitative support before giving consideration to termination of employment for cause as stipulated in *B-I.C.3.c*) of the Academic Charter and Sect. 3345.22-25 of the Ohio Revised Code.

6. Consensual Amorous Relationships Policy

The university takes seriously its duty to provide a place to study and work free of situations

that may be construed as abuse of authority, an inappropriate conflict of interest, preferential treatment, or other unprofessional and unethical conduct. The policy below is established in order to avoid such instances.

1. Within the University community, supervisors and faculty are not to have supervisory, evaluative, instructional, coaching, advisory, or other relationships with students or employees with whom they have or have had a consensual amorous relationship.
2. If an amorous relationship exists or develops, the faculty or staff member of superior rank must disclose the relationship to his/her immediate supervisor in a timely manner. The supervisor will then take steps to make alternate arrangements affecting one or both parties, to effectively discontinue any supervisory, evaluative, instructional, coaching, advisory, or other formal connections between them. If possible, such arrangements should be made in ways that respect the interest of all involved and will not be prejudicial toward or against either party.
3. The decision of an immediate supervisor may be appealed by either or both parties to the next higher administrative level.
4. Disclosure is the responsibility of those who engage in, or are about to engage in, amorous relationships within the University community. Failure to abide by this policy may result in disciplinary actions taken against any negligent party. The range of disciplinary actions would depend upon the circumstances and culpability of those involved. Disciplinary actions may include, but are not limited to, a verbal warning, a letter of warning, temporary reassignment, temporary suspension or other measures, as the case may warrant. The imposition of faculty sanctions beyond the written warning should abide by the policy on sanctions contained elsewhere in the Academic Charter. Disciplinary actions regarding administrative staff and classified staff are administered by the Office of the Executive Vice President; disciplinary actions regarding faculty are administered by the Office of the VPAA/Provost.