

4112-1-01

Definitions.

When used in Chapter 4112. of the Revised Code and Chapters 4112-1 to 4112-3 of the Administrative Code:

- (A) "Chair" or "chairperson" means the commissioner designated "chairman" by the governor pursuant to section 4112.03 of the Revised Code.
- (B) "Charge" means a written statement made under oath ~~or affirmation~~ alleging that any person has engaged in or is engaging in unlawful discriminatory practices which is filed pursuant to rule 4112-3-01 of the Administrative Code and Chapter 4112. of the Revised Code. The oath may be executed in one of the following manners:
- (1) attestation before a notary public or persons duly authorized by law to administer oaths, or
- (2) a signature made under a written declaration of penalty of perjury or other statements binding the person's conscience.
- (C) "Commission" means the Ohio civil rights commission and any of its designated representatives.
- (D) "Commission attorney" means the attorney or attorneys directed by the attorney general of Ohio to represent the commission, pursuant to division (B) of section 4112.05 and section 4112.10 of the Revised Code.
- (E) "Commissioner" includes any one of the members of the commission duly appointed, pursuant to section 4112.03 of the Revised Code.
- (F) "Complainant" or "charging party" means any person filing a charge.
- (G) "Complaint" means a formal complaint issued by the commission pursuant to Chapter 4112. of the Revised Code and rule 4112-3-05 of the Administrative Code.
- (H) "Conciliation" means a process to achieve a just resolution which assures that any unlawful discriminatory practice of respondent will be eliminated by requiring appropriate affirmative relief or other action.
- (I) "Continuing violation" means a violation of Chapter 4112. of the Revised Code that has no definite ending date. Whether or not a particular violation is continuing depends upon the circumstances of the case.
- (J) "Director" means the duly appointed executive director of the commission.

- (K) "Discriminate" includes, but is not limited to, segregating or separating, according different treatment, or taking actions fair in form but which have a disparate impact, on the basis of membership in a protected class.
- (L) "Hearing examiner" or "administrative law judge" means a person or persons appointed by the commission pursuant to division (A)(3) of section 4112.04 of the Revised Code, to process complaints, conduct public hearings, and issue hearing examiner reports.
- (M) "Party or parties" include the commission, the complainant or complainants, the respondent or respondents and other persons joined pursuant to rule 4112-3-05 of the Administrative Code.
- (N) "Respondent" means a person against whom a charge has been filed, or with respect to whom an investigation has been initiated by the commission without a charge, or against whom a complaint has been issued.
- (O) "Unlawful discriminatory practice" means any act or acts prohibited by sections 4112.02, 4112.021, 4112.022, and 4112.14 of the Revised Code.
- (P) "Notice of right to sue", also referred to as a notice of suit rights, is a notice sent by the commission to a person who files a charge under section 4112.051 of the Revised Code that states the person who filed the charge may bring a civil action related to the charge pursuant to section 4112.052 or 4112.14 of the Revised Code, in accordance with section 4112.052 of the Revised Code.
- ~~(P)~~(Q) Other terms used in Chapters 4112-1 to 4112-3 shall have the same meaning as set forth in Chapter 4112. of the Revised Code, unless the context requires another construction.

Effective:

Five Year Review (FYR) Dates: 1/23/2023

Certification

Date

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