



# UNIVERSITY OF OREGON SEXUAL HARASSMENT POLICY

## Statement from President Myles Brand:

"Among a university's most important tasks is to assure that its students can compete equally for academic recognition and rewards. The arena for competition and evaluation of academic performance must be as even as possible with no consideration of gender, race, nationality, age, disability, sexual orientation, marital or parental status and so forth. We must continuously affirm this position, and strive to inform all members of the university community of the policies and procedures now in place to help ensure that our campus environment is founded on the principle for non-discrimination."

OAR 571-03-025  
SEXUAL HARASSMENT AND  
OTHER FORMS OF DISCRIMINATION

571-03-025 Using arbitrary or capricious grounds to make available or to deny educational or professional opportunity to other members of the University community is unprofessional conduct and may constitute prohibited discrimination under the University's and the Oregon State Board of Higher Education's rules. Prohibited discrimination including sexual harassment of students, faculty or staff by other members of the University community is prohibited both by law and this rule. Unwelcome sexual activity by persons abusing positions of economic, supervisory, or academic power is inherently oppressive. Sexual harassment, regardless of the relative power of the harasser, is disruptive of the workplace and campus life, and it acts to deny its object equal opportunity as a student or an employee. Sexual harassment shall not be tolerated at the University of Oregon:

(1) Definitions:

(a) Members of the University community are defined as students, faculty, and staff; (b) Sexual harassment is defined as any sexual advance, any request for sexual favors, or other verbal or physical conduct of a sexual nature when:

(A) Submission to such advances, requests, or conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic experiences; or

(B) Submission to or rejection of such advances, requests, or conduct by an individual is used as a basis or condition for employment and/or academic decisions affecting such individual;

(C) Such conduct interferes with work or academic performance because it has created an intimidating, hostile or offensive working or academic environment for the individual who is the object of such conduct, and the actor knew or should have known that the conduct would have such an effect on a reasonable woman (if the object is a woman) or a reasonable man (if the object is a man)...

(2) University Employees' Responsibilities in Dealing with Allegations of Prohibited Discrimination or Sexual Harassment: The University has the responsibility to prevent prohibited discrimination from occurring in its workplaces and its aca-

demic, research, public, and student service programs:

(a) University employees with credible evidence that any form of prohibited discrimination is occurring have the responsibility to inform their supervisors or the Office of Affirmative Action. Credible evidence is evidence of the kind that prudent people would rely on making important personal or business decisions;

(b) Staff in the Office of Affirmative Action shall provide information about available complaint processes, services for complainants, and assistance with resolving complaints to any University employee who makes a report of alleged discriminatory behavior so that these employees may pass on this advice to those involved who may need this information;

(c) In making such reports, University employees may retain their anonymity;

(d) Staff in the Office of Affirmative Action will advise potential complainants of the options available to them, including applicable internal processes, as well as the possibility of filing with an external agency. Potential complainants shall receive the addresses and phone numbers of external governmental agencies with authority to deal with their complaints, as well as information about any time limitations on access to outside agencies' processes.

(3) Discrimination Grievance Counselor: As required by OAR 580-15-090, the University has appointed a discrimination grievance counselor who is the Assistant Director for Affirmative Action and Equal Opportunity (hereinafter referred to in this rule as the Assistant Director). The Assistant Director shall assist students and others in formulating and following up complaints of alleged discrimination.

(4) Formal Complaint Processes:

(a) All members of the University community considering filing a formal complaint alleging prohibited discrimination or sexual harassment are encouraged to contact the Office of Affirmative Action for information and advice. Potential complainants may remain anonymous. Affirmative Action staff will work for resolution through informal processes if that is what the complainant desires, or will assist in making a formal complaint and setting it into the formal complaint process applicable to the complainant.

(e) Students who believe they have been subjected to prohibited discrimination or sexual harassment

by any employee or agent of the University may file formal complaints under the Oregon State Board of Higher Education's discrimination complaint process, OAR 580-15-090 et seq. . . .

(5) Informal Complaint and Resolution Processes:

(a) Faculty, staff, or students who believe they have been subjected to prohibited discrimination or sexual harassment are encouraged to contact the Affirmative Action Office for information, advice, and assistance in resolving the problem;

(b) Faculty, staff, or students who believe they have been subjected to prohibited discrimination or sexual harassment may contact the University Ombud Officer for information, advice, and assistance in resolving the problem;

(c) Faculty, staff, or students who believe they have been subjected to prohibited discrimination or sexual harassment may use any appropriate informal grievance resolution process set out in this division, may secure the assistance of mediators, counselors, or advocates as provided or at the complainant's expense, and/or may attempt any informal resolution appropriate to the particular circumstances;

(d) Individuals seeking informal resolution of a problem of alleged prohibited discrimination or sexual harassment or who merely wish to discuss their experience with an officer for the University, may request anonymity, and need not reveal their identity to the alleged offender. However, when the circumstances are such that, assuming the allegations are true, the health or safety of individuals is at risk, University officers have the responsibility to take such steps as are reasonably necessary to prevent injury; in some cases, that may mean that a complainant's identity must be revealed. . . .

(8) Reporting Requirements: The Assistant Director shall:

(a) On at least an annual basis, issue a statistical report to the President, the University of Oregon News Bureau, and the Oregon Daily Emerald of the number and kinds of discrimination how they were resolved. No names of individuals involved or other identifying information may be released in this report. Data relating to allegations of sexual harassment shall be reported separately from other forms of prohibited discrimination. Further break-downs by category may be used if confidentiality can be preserved and if doing so will make the figures more meaningful to the public; . . .

(9) Protection of Complainants, Prohibition

Against Retaliation:

(a) Employee complainants may request to be transferred for the duration of the complaint proceeding. Student complainants may request to change or drop a course while the complaint is in process. Complainants may request, and the University may propose, that other actions be taken that are appropriate and reasonably likely to diminish conflict or relieve the stress involved in complaint processes;

(b) A complainant shall have the option of withdrawing the complaint at any time prior to the issuance of a final decision under the selected grievance process, or may choose to file the complaint with an outside agency at any time;

(c) Retaliation by any University student or employee against any person participating in good faith in any discrimination, sexual harassment, or other complaint process, whether informal or formal, is strictly forbidden. Retaliation is considered unprofessional behavior and is therefore proscribed conduct under Oregon State Board Rules and is cause for sanctions more severe than a written reprimand. Retaliation is also a violation of the Student Conduct Code and is cause for sanctions imposed under the provisions of that Code.

(10) Sanctions: After following the appropriate disciplinary procedures affording students and employees required due process, the University may impose sanctions as follows:

(a) Faculty found to have engaged in prohibited discrimination or sexual harassment may be subject to a written reprimand to be included in the personnel file or other sanctions for cause under the provisions of OAR 580-21-320 et seq. and/or to evaluations of less than fully satisfactory service arising out of such conduct, procedures to impose further sanctions for cause shall be instituted under OAR 580-21-330 et seq. Possible sanctions include suspension or termination of employment.

(b) Students found to have engaged in prohibited discrimination or sexual harassment may be subject to sanctions including suspension or expulsion under the Student Conduct Code;

(c) Management Service and Classified staff members found to have engaged in prohibited discrimination or sexual harassment may be subject to written reprimand to be included in personnel files or further sanctions in accord with the progressive discipline concept in accordance with any applicable collective bargaining agreements. Such sanctions include suspension, reduction of pay, and termination of service.

### FOR CONFIDENTIAL INFORMATION REGARDING SEXUAL HARASSMENT

#### UNIVERSITY OF OREGON

□ HUMAN RIGHTS INVESTIGATOR: Mark Zunich <i>Office of Affirmative Action &amp; Equal Opportunity, 474 Oregon Hall</i> .....	346-3123
□ OMBUD OFFICER: Janet Wentworth <i>Office of Affirmative Action &amp; Equal Opportunity, 474 Oregon Hall</i> .....	346-4215
□ DIRECTOR OF OFFICE OF AFFIRMATIVE ACTION & EQUAL OPPORTUNITY: Ken Lehrman <i>Office of Affirmative Action &amp; Equal Opportunity, 474 Oregon Hall</i> .....	346-3123
□ COORDINATOR OF STUDENT CONDUCT: Elaine Green <i>Dean of Students Office, 364 Oregon Hall</i> .....	346-1141
□ SEXUAL HARASSMENT RESOURCES NETWORK: Caroline Forell <i>School of Law</i> .....	346-3864
□ OFFICE OF STUDENT ADVOCACY: Marlene Drescher <i>ASUO, Suite 4, EMU</i> .....	346-3722
□ UO MEDIATION DIRECTOR: Jacqueline Gibson <i>ASUO, 318 EMU</i> .....	346-4240

□ WOMEN'S ADVOCACY DIRECTOR: Michelle Parks  
*ASUO Women's Center, Suite 3, EMU* .....

346-4095

#### STATE OF OREGON AGENCY REFERRAL:

□ OREGON BUREAU OF LABOR AND INDUSTRIES (BOLI)  
*165 East 7th Street, Room 220, Eugene, Oregon 97401* .....

503) 686-7623

#### FEDERAL AGENCY REFERRALS

□ EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)  
*2815 2nd Avenue, Suite 500, Bay Vista Building, Seattle, WA 98121* .....

(800) 669-4000

□ OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS (OFCCP),  
US DEPARTMENT OF LABOR  
*Suite 1020, Columbia Square Building, 111 SW Columbia St., Portland, OR 97201* .....

503) 326-4112

□ US DEPARTMENT OF EDUCATION, REGION X, OFFICE OF CIVIL RIGHTS  
*2201 6th Avenue, MSRX 11, Seattle, WA 98121* .....

(800) 362-1710 or (206) 220-7900

#### SEXUAL HARASSMENT GRIEVANCES

FILED WITH THE OFFICE OF AFFIRMATIVE ACTION & EQUAL OPPORTUNITY  
January 1, 1993 - December 31, 1993

FORMAL	RESULTS
6	Two findings of sexual harassment in two cases brought against faculty. No finding of sexual harassment in four cases brought against other staff.
INFORMAL	RESULTS
5	One case resolved by written letter of resolution; one case anonymous report against faculty member - no action taken; two incident reports against faculty members - no action requested; one claim against faculty member - not timely filed.

#### TOTAL DISCRIMINATION GRIEVANCES

FILED WITH THE OFFICE OF AFFIRMATIVE ACTION & EQUAL OPPORTUNITY  
January 1, 1993 - December 31, 1993

FORMAL	RESULTS
14	Six claims involving sexual harassment; five claims involving disability discrimination; six claims involving gender discrimination; one claim involving marital status; one claim involving retaliation; one claim involving sexual orientation discrimination; two claims of racial discrimination; and one claim of discrimination based on national origin.
INFORMAL	RESULTS
13	Two claims of gender discrimination based on national origin; four claims of discrimination based on national origin; four claims of discrimination based on race; five claims of sexual harassment; one claim of discrimination based on religion; one claim of disability discrimination; and one claim of retaliation.

Claims do not correspond to totals column because some cases contain multiple claims.

