Policy:

Discrimination and Harassment

Issuing Department:

Human Resources

Date last revised:

April 2006



WOU endorses the policy framework adopted by the Oregon State Board of Higher Education on September 9, 2005. The university has established a Committee for the Prevention of Sexual Harassment and Improper Consensual Relationships ("Committee") which is charged with the responsibility and authority to:

- Evaluate and recommend training and communication programs
- Evaluate and recommend policies and procedures
- Build campus resources
- Assess campus attitudes

in support of a university culture that does not tolerate sexual harassment.

PURPOSE

Western Oregon University is committed to cultivating an educational and work environment in which all individuals are treated with respect and dignity. Each individual has the right to learn and work in an atmosphere that promotes equal educational and employment opportunities and prohibits discriminatory practices, including harassment. Western Oregon University expects relationships across campus will be free from bias, prejudice and harassment. This policy statement is intended to: (a) reaffirm Western Oregon University's prohibition against discrimination and harassment, (b) clarify types of prohibited conduct, and (c) provide an effective complaint procedure to individuals who believe they have been subject to or have observed prohibited conduct.

POLICY

It is the policy of Western Oregon University to provide a campus environment free from discrimination and harassment on the basis of race, color, religion, national origin, age, sex, gender, marital status, sexual orientation, veteran status or disability or any other status protected under law.

Discrimination. Discrimination, for the purposes of this policy, is defined as any act or practice, in form or operation, whether intended or unintended, that unreasonably differentiates among persons on the basis of race, color, religion, national origin, age, sex, gender, marital status, sexual orientation, veteran status or disability or any other status protected under law.

Harassment. Harassment, for the purposes of this policy, is defined as conduct that creates an intimidating, hostile, or degrading environment that would interfere with the work or academic performance of a reasonable person of the complainant's protected status.

Sexual Harassment. Sexual harassment is a form of discriminatory harassment. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical behavior of a sexual nature when directed toward an individual because of that individual's sex when:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of the individual's employment, grade, or used as the basis for any employment or academic decision; or
- b. Such conduct is unwelcome and has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creates an intimidating, hostile or offensive work or academic environment.

Examples of Prohibited Conduct. The following are examples of conduct that may be prohibited under this policy. This list is representative and is not exhaustive:

- a. Unwelcome touching or physical closeness of a personal nature, which can include leaning over, cornering, or pinching.
- b. Sexual innuendos, teasing and other sexual talk such as jokes, intimate inquiries, persistent and unwanted courting, and sexist put-downs or insults.
- c. Derogatory remarks, slurs or jokes about an individual's race, color, religion, national origin, age, sex, gender, marital status, sexual orientation, veteran status, disability, or any other status protected by law.

This policy shall be applied in a manner that protects academic freedom and freedom of expression within the university. Nothing in this policy shall be construed to limit the expression of ideas, however controversial, that can reasonably be demonstrated to service legitimate education purposes.

Penalties. Conduct in violation of this policy will not be tolerated. For employees, prohibited conduct may result in disciplinary action, up to and including dismissal. For students, prohibited conduct may result in disciplinary action under Western Oregon University's Code of Student Responsibility (Oregon Administrative Rules Chapter 574, Division 31). Managers and supervisors who know or should know of conduct in violation of this policy, and who fail to report it, or fail to take prompt, appropriate corrective action, are subject to disciplinary action, up to and including dismissal.

NON-RETALIATION

This policy prohibits retaliation against individuals who complain about prohibited conduct or otherwise participate in the process under this policy. Any student or employee found to have engaged in retaliatory action or conduct will be subject to discipline, up to and including dismissal.

PROCEDURES

Complaints. An effective and clear complaint procedure is a critical element of Western Oregon University's policy against discrimination and harassment. The complaint procedure is open to all employees, applicants and students, except as collective bargaining agreements with the Service Employees International Union and the Federation of Teachers take precedence (reference Administrative Rules OAR 580-015-0090 et seq.) to address, investigate, and remedy allegations of discrimination or harassment.

Use of an **informal process** is encouraged as the first step in resolving a discrimination or harassment complaint. The complainant should contact the respondent (who may be a person, office or organization) responsible for the policy, practice or act considered discriminatory or harassing within five days of the alleged act. The complainant may also seek guidance from an individual designated as a Resource Guide by the university for assistance. If a resolution is not reached, or the complainant chooses, a formal discrimination or harassment complaint can be filed.

A **formal complaint** of discrimination or harassment must be filed orally or in writing within 12 months of the alleged discriminatory or harassing act. If the complaint is received orally, the Director of Human Resources/Affirmative Action Officer will convert it to written form. The written form will contain the following information:

- 1. Complainant's name, address, status, and telephone number;
- 2. The date of the alleged act of discrimination or harassment and a detailed description;
- 3. An outline of the attempts to resolve the complaint, including the name of the person responsible for the alleged discriminatory or harassing act and the date(s) of the attempts, if any, at resolution;
- 4. All information pertinent to the complaint;
- 5. Resolution proposed by the complainant;
- 6. Complainant's signature.

Copies of the written complaint will be given to the complainant, the respondent (the person responsible for the alleged discriminatory or harassing act), the appropriate dean or director, the appropriate vice president and the Chancellor's Office. The Director of Human Resources /Affirmative Action Officer will then investigate the complaint, and develop a recommended course of action. The recommendation will be forwarded to the

appropriate dean or director and vice president for a final decision on the course of action to be taken.

The complainant will receive a final written decision from the Director of Human Resources /Affirmative Action Officer within 30 days after the receipt of the complaint unless a 30-day extension is requested. The respondent, the appropriate vice president and the Director of Human Resources/Affirmative Action Officer shall also be noticed of the final decision.

The decision can be appealed to the president of the university.

Third parties. All contractors and contractors' employees are required to adhere to Western Oregon University's policy prohibiting discrimination and sexual harassment in their interactions with members of the campus community.

Training. Human Resources will offer ongoing training/awareness sessions.

Records. The Affirmative Action Officer shall maintain records showing for each academic year:

- The number of formal complaints of discrimination or sexual harassment;
- The number or percentage of those complaints in which discrimination or sexual harassment was found to have occurred;
- The sanction imposed (to the extent consistent with restrictions on disclosure of records); and
- Training records and policies sign-off log.

Assessment. Every four years, the "Committee" shall oversee a study designed to measure the effectiveness of the policy as perceived by students and employees and report those findings to the Board of Higher Education.

AUTHORITY

Oregon Revised Statute Chapter 351, Division 10; Oregon Administrative Rules, Chapter 580, Division 15 and 22; and relevant and applicable collective bargaining agreements.

RESPONSIBILITY

The Director of Human Resources/Affirmative Action Officer is responsible for the implementation and execution of this policy.

ADDITIONAL RIGHTS

Nothing in this policy precludes any person from filing a complaint with the Oregon Bureau of Labor and Industries, the Equal Employment Opportunity Commission, or a court of competent jurisdiction.

HISTORY

The Sexual Harassment policy was originally adopted as a separate policy on September 22, 1995.

The Harassment-Free/Violence-Free Workplace policy was originally adopted as a separate policy on June 17, 1999. Prior to 1995, the WOU Affirmative Action Plan included reference to discrimination, harassment and sexual harassment.

The Sexual Harassment policy was revised February 1, 1998.

The revised Discrimination and Harassment policy was approved on January 4, 2005.

The current revision of the Discrimination and Harassment policy was reviewed, comments were submitted and a recommendation for approval was made by the:

Faculty Senate – April 11, 2006 Staff Senate – March 10, 2006 Student Senate – March 7, 2006

(The WOU website, wou.edu/sexualharassment, addresses and disseminates the policy, and provides additional resources and guidance on this topic.)

Date of next review: April 2009

Alternate formats of this policy are available from the Office of Human Resources.