



EASTERN OREGON
UNIVERSITY

SEXUAL HARASSMENT POLICY

I. Policy Statement

This policy sets forth Eastern Oregon University's (EOU) commitment to maintaining and ensuring an environment free from sexual harassment. Sexual harassment, in all its forms, is unethical and illegal behavior, disruptive of workplace and campus life, and inherently antithetical to the University's mission and purpose. EOU employees and students, individually and collectively, are responsible for assuring that EOU maintains an environment for work and study that is free from sexual harassment. Sexual harassment is prohibited by federal and state law, Oregon University System rules and policy, and is prohibited at EOU. Nothing in this policy is intended to limit academic freedom where the material is relevant to the course content.

To encourage individuals who believe they have been harassed to come forward, EOU provides options for both informal and formal complaint resolutions (see Sections IV D & E, Filing a Complaint). Additionally, students and employees can contact the Affirmative Action Office (AAO) at (541)962-3553 to discuss informal reporting options without necessarily filing a complaint.

II. Definition of Sexual Harassment

A. For Students

For students, sexual harassment is defined by Oregon Administrative Rule 580-015-010(2). "Sexual harassment means any sexual advance, any request for sexual favors or other verbal or physical conduct of a sexual nature by an OSSHE employee when:

1. Submission to such advances, requests or conduct is made either explicitly or implicitly a term or condition of a student's employment or academic experience; or
2. Submission to or rejection of such advances, requests or conduct by a student is used as a basis or condition for employment and/or academic decisions affecting the student; or
3. Such conduct interferes with the work or academic performance of a student because it has created an intimidating, hostile or offensive working or academic environment for the student who is the object of the

conduct and a reasonable person of that student's gender would have been affected similarly to the student.”

Sexual harassment allegations made against students or between students are administered through the EOU Student Code of Conduct.

B. For employees

For employees, sexual harassment is defined as:

“Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment” (www.eeoc.gov/types/sexual_harassment.html)

Any sexual advances, any requests 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
- (b) Submission to or rejection of such advances, requests or conduct by an individual is used as a basis or condition for employment; or
- (c) Such conduct interferes with an individual's work performance because it has created an intimidating, hostile, or offensive working environment for the employee who is the object of the conduct and a reasonable person of that employee's gender would have been affected similarly.

III. Examples of Sexual Harassment

Behaviors that may constitute sexual harassment include, but are not limited to, the following:

1. Oral or written comments of a sexual nature
2. Sexually explicit statements, questions, jokes, or anecdotes
3. Touching, patting, hugging, brushing against a person's body, and/or repeated focused staring
4. Disparaging remarks and gestures about one's sexual activity, experience, gender or sexual orientation
5. Display of inappropriate sexually oriented materials in the workplace
6. Sexual propositions, innuendos, invitations, solicitations, and flirtations
7. Suggestive or insulting sounds or whistles
8. Requests of an explicit or implicit sexual nature as a term or condition of employment or academic status

9. Repeated requests for “dates” after refusal
10. Rape, attempted rape, or other sexual assault

IV. Reporting Sexual Harassment

EOU encourages individuals who believe they are experiencing sexual harassment to report the harassment. EOU encourages such individuals to seek out a trusted person to serve as an advocate in considering whether to file a formal or informal report (see below for definitions and procedures for formal and informal reports.) Additionally, if you are aware or reasonably believe that another person is being sexually harassed, you may also file a complaint through this process.

A. Duty to Report Allegations of Sexual Harassment

Any EOU employee or volunteer (other than the Student Health and Counseling Center staff) who receives a report of alleged sexual harassment must promptly notify the AAO of the allegation.

B. Considerations for reporting incidents of sexual harassment

- 1. Confidentiality.** To the extent possible, EOU treats all information received in connection with reports of sexual harassment as confidential. It may be necessary, however, to disclose information during the course of an investigation or attempt at resolution. All individuals who participate in any investigation or procedure under this policy have an obligation to maintain the utmost level of confidentiality regarding the matters discussed.
- 2. Non-Retaliation.** Individuals who report a complaint of alleged sexual harassment may not be reprimanded or discriminated against in any way for initiating an inquiry or complaint in good faith. Further, the laws pertaining to sexual harassment make it unlawful to retaliate or to take reprisal in any way against anyone who has articulated a concern about sexual harassment or has participated or cooperated in the investigation of a complaint.
- 3. Conflict of Interest.** In the event of a potential or actual conflict of interest, the AAO may appoint another individual to conduct any activity required by the AAO under this policy.

C. Filing a Complaint Against an EOU Student

Sexual harassment complaints initiated against a student will be administered through the student conduct program. (www.eou.edu/saffairs/handbook.html)

D. Filing a Complaint Against an EOU Employee

A. Informal Complaints

EOU offers an informal process for those alleging sexual harassment. The purpose of the informal complaint process is to attempt to resolve issues of actual or perceived sexual harassment informally, with the assistance of AAO. There are no strict deadlines for filing an informal sexual harassment complaint. However, complainants are encouraged to file informal complaints as promptly as possible to facilitate resolution of such complaints. Nothing in this policy prevents those engaging the informal process from deciding to engage the formal sexual harassment complaint process at any point in the process.

The informal complaint process can be used when a complainant wants to report an incident of sexual harassment, but prefers that no formal action be taken in response to the report. The AAO is generally able to honor a complainant's request that no action be taken except in circumstances where, in the judgment of the AAO, the health and safety of individuals may be at risk. In that situation University officers have a responsibility to take such steps as are reasonably necessary to prevent additional injury. The University retains the right to investigate or to initiate an investigation. If three (3) or more informal complaints occur within a seven (7) year period the university will initiate the formal complaint process.

Informal complaints can be filed through the AAO or through Human Resources.

B. Formal Complaints

To file a formal complaint of sexual harassment, the complainant must meet with the AAO. Generally, a formal complaint of sexual harassment must be made no later than 365 calendar days following the date that the complainant knew or should have known that alleged sexual harassment was occurring. The University reserves the right to initiate the formal complaint process if it is in the best interests of the University and necessary to protect constituents.

Complainants have the option to pursue institutional disciplinary proceedings against students by submitting a complaint to the Office

of Student Affairs. A complaint form is available on line at <http://www.eou.edu/saffairs> or from the Office of Student Affairs.

All formal complaints of sexual harassment, whether they are filed against a faculty member, an administrative faculty member, a staff member, or a third party, will result in essentially the same process. The AAO, or other appointed university official, will conduct a full, impartial and timely investigation within 45 calendar days. During the course of the investigation, the appointed officer will interview the complainant and/or the alleged victim, the respondent, and witnesses identified by each party. To the extent possible, complaints will be handled confidentially, with the allegations and facts made available only to those who have a compelling need to know for purposes of investigation or resolution of the matter.

It is a violation of this policy for anyone to make an intentionally false accusation of sexual harassment. Any employee or student who is found to have made an intentionally false accusation of sexual harassment may be subject to appropriate disciplinary or corrective action.

1. Formal Complaint Procedure (see diagram):

- a. A formal complaint pursuant to this policy must be brought to the AAO, where an investigation will be initiated.
- b. The purpose of the investigation is to establish whether it is more likely than not that a violation of this policy has occurred. In conducting the investigation, the investigator will make reasonable efforts to interview all persons believed to have pertinent factual knowledge, as well as review any relevant factual evidence. To the extent possible, the AAO will take the necessary steps to ensure confidentiality. The complainant will be advised of his/her rights and options, including the right to have an advocate present, and will be advised of the procedures that are triggered by a formal complaint.
- c. When a formal complaint is made, the respondent will be informed of the allegation(s), the identity of the complainant, and the facts surrounding the allegation(s). Respondents are entitled to an advocate. The AAO will provide the respondent with a written statement of the allegation(s), to which that individual will be required to respond in writing within fourteen calendar days. The AAO may extend this timeline up to five calendar days if necessary. The investigation will afford the respondent an opportunity to respond to the allegation(s) and evidence provided by the complainant and/or alleged victim, and to provide a statement of the facts as perceived by the respondent.

- d. At the conclusion of the investigation, the AAO will issue a written finding that will summarize the evidence gathered and state whether it is more likely than not that a violation of this policy has occurred. The written finding will be issued within 60 calendar days from when the investigation was initiated. The timeline may be extended based on the needs of the investigation with approval from the President. The complainant and the respondent will be notified in the case of any delay and the AAO will indicate the reasons for the delay.
- e. If the AAO finds it is more likely than not that a violation of this policy has occurred, the matter will be referred to the appropriate administrator for further consideration as outlined below.

V. Process for Formal Disciplinary Action

The findings of the AAO will be referred to the appropriate Cabinet level administrator.

A. Cabinet Member Decision

Based on the AAO's findings and recommendations, the appropriate Cabinet member will determine the sanction(s). The Cabinet member will report the sanction(s) imposed and the associated deadlines to the AAO.

B. Violations of the Policy on Sexual Harassment

Violations of the sexual harassment policy may lead to disciplinary sanctions up to and including termination or separation from Eastern Oregon University. Sanctions for violations of this policy should be commensurate with the degree of the violation. It is the responsibility of the appropriate administrator to follow up with the parties at a reasonable interval to assess their compliance with the disciplinary and/or remedial sanctions imposed. Additional sanctions may be imposed in the event that the respondent fails to comply with the sanctions initially imposed.

VI. Sanctions

A. Academic Faculty

Academic faculty found to have engaged in sexual harassment will have sanctions imposed according to Article 17 - Progressive Sanctions of the current AAP-EOU contract and in accordance with OAR 580-21-325 through 580-21-385. Sanctions may include but are not limited to oral or written warnings or reprimands, reassignment, suspension or termination imposed in accordance with OAR 580-21-325 through 580-21-385.

B. Executive Administrators and Administrative Faculty

Administrative faculty found to have engaged in sexual harassment will have sanctions imposed in accordance with OAR 580-21-325 through 580-21-385. Sanctions may include but are not limited to oral or written warnings or reprimands, reassignment, suspension or termination imposed in accordance with OAR 580-21-325 through 580-21-385.

C. Classified Employees

Classified employees found to have engaged in sexual harassment will have sanctions imposed in accordance with ARTICLE 17- DISCIPLINE AND DISCHARGE of the OUS/SEIU Collective Bargaining Agreement. Sanctions may include but are not limited to oral or written warnings or reprimands, reassignment, suspension or termination.

D. Students

Students found to have engaged in sexual harassment may be subject to sanctions under the Student Code of Conduct, (OAR 580-015-010(2)). Sanctions may include warnings, required educational activities, restrictions, disciplinary probation, suspension and/or expulsion.

VII. Appeals

A. Academic Faculty

Academic faculty may appeal the sanctions administered as a result of this policy pursuant to Article 18 - Grievance Procedure of the AAP-EOU contract.

B. Executive Administrators and Administrative Faculty

Administrative faculty may appeal sanctions administered as a result of this policy pursuant to the guidelines for filing grievances outlined in the EOU ADMINISTRATIVE FACULTY COMPENSATION POLICIES AND PROCEDURES.

C. Classified Employees

Classified employees may appeal the sanctions administered as a result of this policy pursuant to ARTICLE 18-GRIEVANCE AND ARBITRATION PROCEDURE of the OUS/SEIU Collective Bargaining Agreement.

D. Students

Students will use the process outlined in the Student Handbook.

VIII. Records

The AAO shall maintain records of complaints and investigations pursuant to relevant authority.

IX. Training

The AAO is responsible for sexual harassment training for new employees and supervisors as well as refresher training for current employees. Information regarding sexual harassment and the obligation of employees and supervisors to prevent and report incidents of harassment will be disseminated at the beginning of each academic year.

X. Review of Sexual Harassment Policy

The policy will be reviewed by the AAO on a biennial basis followed by a public comment period including Faculty Senate, University Council, and the President's Commission on the Status of Women (PCSW).

Appendix A

ADDITIONAL RESOURCES FOR THOSE WHO THINK THEY HAVE BEEN SEXUALLY HARASSED

1. For Students:

- a. The EOU Counseling Center (541-962-3524) provides a supportive and confidential environment for personal and emotional concerns. The Counseling Center can be found online at www3.eou.edu/counsel

2. For Employees:

- a. Employee Assistance Program (EAP)
The Cascade Center, Inc. (8am-5pm, Mon-Fri) 800-433-2320
www.cascadecenter.com

3. For General Information:

For general information about sexual harassment and inappropriate sexual conduct, students and employees may also access the following resources.

- a. Affirmative Action Office 541-962-3553
- b. Human Resources Office 541-962-3548
- c. Director of Student Relations 541-962-3476
- d. Campus Safety and Security (24hrs/7days a week) 541-962-3911
- e. Your Resident Assistant, Hall Director, or Residence Life Staff (24hrs/7 days a week)
- f. Multicultural Center 541-962-3741

Any employee who believes that they are being sexually harassed should, if possible, inform the alleged harasser that the conduct is unwelcome and must stop. In some circumstances this course of action may not be possible, may be unsuccessful, or the individual may be uncomfortable in dealing with the matter in this way. To encourage individuals experiencing alleged sexual harassment to come forward, EOU provides options for both informal and formal complaint resolutions (see Section VIII. Filing a Complaint). Additionally, students and employees can contact the AAO (541-962-3553) to discuss reporting options without necessarily filing a complaint.

Appendix B

GLOSSARY

AAO – Affirmative Action Office

OAR – Oregon Administrative Rule

Complainant – person alleging sexual harassment

Respondent – person alleged to have committed sexual harassment

PCSW – President's Commission on the Status of Women

OSSHE – Oregon State System of Higher Education now the Oregon University System