

Eastern Oregon University

Sexual Harassment Policy

.100 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.

.100 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:

- i. 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
- ii. 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
- iii. 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.
- iv. Employee conduct directed toward a student—whether unwelcome or welcome—can constitute sexual harassment under OAR 580-015-0010(2).

Sexual harassment allegations made against students or between students are administered through the EOU Student Code of Conduct available at www.eou.edu/saffairs/handbook.html.

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:

- i. Submission to such advances, requests, or conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- ii. Submission to or rejection of such advances, requests or conduct by an individual is used as a basis or condition for employment; or
- iii. 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.

.120 Examples of Sexual Harassment

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

- c. Oral or written comments of a sexual nature including electronic correspondence or discussion board posts or similar.
- d. Sexually explicit statements, questions, jokes, or anecdotes
- e. Touching, patting, hugging, brushing against a person's body, and/or repeated focused staring
- f. Disparaging remarks and gestures about one's sexual activity, experience, gender or sexual orientation
- g. Display of inappropriate sexually oriented materials in the workplace
- h. Sexual propositions, innuendos, invitations, solicitations, and flirtations
- i. Suggestive or insulting sounds or whistles
- j. Requests of an explicit or implicit sexual nature as a term or condition of employment or academic status
- k. Repeated requests for “dates” after refusal
- l. Rape, attempted rape, or other sexual assault

.130 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, those who are aware or reasonably believe that another person is being sexually harassed, you may also file a complaint through this process.

m. Duty to Report Allegations of Sexual Harassment

Any EOU employee or volunteer (other than the Student Health and Counseling Center staff working within the scope of their employment) who observes sexual harassment, who knows, or with the exercise of reasonable care should have known, about sexual harassment occurring at the University or any of its programs, or is informed of alleged sexual harassment must promptly notify the AAO or designees of the allegation.

n. Sexual Harassment Resource Person

People serving as Sexual Harassment Resource Persons include Eastern Oregon University students, staff and faculty, who have volunteered to be available for any EOU student, staff or faculty member, who requests support, information or referrals regarding sexual harassment. They act as a resource to the campus community regarding sexual harassment issues and questions. After receiving awareness training,

Resource People are able to recognize sexual harassment, provide guidance on sexual harassment prevention, listen to and provide support to victims of sexual harassment, provide general information and answer questions about sexual harassment, and provide information about various sexual harassment-related resources available on and off campus. Resource Persons must disclose their obligation to report to anyone who come to them with a report or claim of their obligation to report.

o. Considerations for Reporting Incidents of Sexual Harassment

- i. **Confidentiality.** EOU makes every reasonable effort to treat all information received or individuals providing information 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. Requests for confidentiality by the complainant will be evaluated in the context of the University's responsibility to provide a safe and nondiscriminatory environment for its employees and students. The factors that the University may consider in this regard include the seriousness of the alleged harassment, whether there have been other complaints or reports of harassment against the alleged harasser, and the rights of the accused individual to receive information about the accuser and the allegations if a formal proceeding with sanctions may result.

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.

- ii. **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.
- iii. **Conflict of Interest.** In the event of a potential or actual conflict of interest, the President may appoint another appropriately trained and qualified individual to conduct any activity required by the AAO under this policy. The complainant, the respondent, or the Affirmative Action Officer may request an alternate appointment.

p. 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)

q. Filing a Complaint Against an EOU Employee

- i. EOU offers an informal process for those alleging sexual harassment. The purposes of the informal complaint process are to attempt to resolve issues of actual or perceived sexual harassment without triggering a formal investigation and to ensure records of alleged harassment are documented. The AAO will

assist the complainant in this process. There are no strict deadlines for filing an informal sexual harassment complaint. However, complainants are encouraged to file informal complaints as promptly as possible. 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 anonymously and/or prefers that no formal action be taken in response to the report. Examples of resolutions that may occur as a result of an informal complaint may include, but are not limited to:

- Additional training for the unit or area where the respondent works.
- The AAO meeting with the respondent to discuss the precipitating behaviors and the issues caused by the behaviors.
- Mediation between the complainant and respondent when agreed to by both parties.

Informal complaints can be filed through the AAO, a Sexual Harassment Resource Person, or through Human Resources. All complaints will then be forwarded to the AAO.

The AAO is generally able to honor a complainant's request that no formal action be taken except in circumstances where, in the judgment of the AAO, more formal steps are required to stop the harassment and to prevent future incidents of harassment. In that situation University officers have a responsibility to take such steps as are reasonably necessary to prevent continuing or future harassment. The University retains the right to investigate or to initiate an investigation.

If three (3) or more informal complaints are filed against an individual within a seven (7) year period the University will initiate the formal complaint process making a best-faith effort to protect complainants' identities if so requested.

r. 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 a reasonable individual of that person's same gender 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.

The AAO, or other appointed, appropriately trained and qualified university official, will conduct a full, impartial and timely investigation within 45 calendar days. This timeline

may be extended by the President if necessary to complete a thorough investigation. 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.

Formal Complaint Procedure

- i. A formal complaint pursuant to this policy must be brought to the AAO, where an investigation will be initiated.
- ii. 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.
- iii. 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.
- iv. At any meeting during this process, complainants may choose to have an advocate present. An advocate is a trusted individual chosen by the complainant to support and advise them during the course of the process.
- v. At the conclusion of the investigation, the AAO will issue a written finding to the appropriate Cabinet-level administrator 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.
- vi. 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.

.140 Process for Formal Disciplinary Action

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

s. **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.

t. **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.

.150 Sanctions

u. **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.

v. **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.

w. **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.

x. **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.

.160 Appeals

y. **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.

z. **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.

aa. **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.

bb. **Students**

Students will use the process outlined in the Student Handbook.

.170 Records

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

.180 Training

The University through the AAO is responsible for sexual harassment training for all employees biannually as well as initial training for new employees. The AAO is also responsible for training the Sexual Harassment Resource People. 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.

.190 Review of Sexual Harassment Policy

The AAO will initiate a review of the policy every two years seeking comment and suggestions from relevant campus bodies including, but not limited to, PCSW, Faculty Senate, ASEOU, and University Council.

.200 Approval History

Approved by: