



Sexual Harassment Policy and Procedures

Approved By: President Date Approved: 2-15-06 Revised: Date of Next Review: February 2009	Related Policies: 580-015-0100(2); OAR 573-035; Office of Civil Rights "Sexual Harassment Guidance"; SOU Consensual Relationship Policy; Report and Recommendations of Board-Appointed Subcommittee on Sexual Harassment and Consensual Relationships; OAR 166-475; <i>Student Handbook</i> , "Student Code of Conduct." Contact Officer: Director of Human Resources Policy Custodian: Director of Human Resources
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A. Purpose

Southern Oregon University (SOU) seeks to establish and maintain a safe learning, working and living community that is free from sexual harassment. Sexual harassment undermines an academic environment of trust and respect that is essential for healthy learning and productive work.

Persons found to be in violation of this policy shall be subject to disciplinary action, which may include, but is not limited to: written warning, demotion, transfer, suspension, expulsion, dismissal or termination.

B. Definitions

1. **Sexual Harassment — Students.** For students, sexual harassment, a form of discrimination, is defined in Oregon Administrative Rule 580-015-0100(2) and means:
 - a. Any sexual advance, any request for sexual favors or other verbal or physical conduct of a sexual nature by an Oregon University System 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 if a reasonable person of that student's gender would have been affected similarly to the student.
2. **Sexual Harassment — Employees.** For employees, sexual harassment, a form of discrimination, is unwelcome sexual advances, 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 is unwelcome and sufficiently severe or pervasive that it interferes with an individual's work performance because it has created an intimidating, hostile, or offensive working environment for the individual who is the object of such conduct, and where the conduct would have such an effect on a reasonable individual.
3. **Complainant:** A person who is subjected to alleged sexual harassment.
4. **Respondent:** A person whose alleged conduct is the subject of a complaint.

5. **Sexual Harassment Information Liaisons:** Liaisons are University employees who have received training in information gathering and counseling in relation to sexual harassment. Liaisons are available in the Counseling Services (ACCESS Center), Campus Public Safety, Student Health and Wellness Center, and the Women's Resource Center.
6. **Affirmative Action Officers (AAOs):** AAOs are responsible for investigating violations of this policy and developing a recommended course of action. At SOU currently they are: Director of Student Support and Intervention, the Director of Diversity and inclusion, and the Director of Human Resources.

C. Policy

1. **Prohibition.** Sexual harassment is prohibited at Southern Oregon University.
2. **Individuals affected.** All University employees, volunteers, and students participating in all on- and off-campus University-sponsored events and activities and all persons on University property are prohibited from:
 - a. Engaging in sexual harassment. Examples of sexual harassment include, but are not limited to:
 - (1) Sexual contact without consent;
 - (2) Direct solicitation of sexual activity;
 - (3) Direct solicitation of sexual activity or other sex-related behavior accompanied by promise of reward or threat of punishment;
 - (4) Unwelcome, inappropriate touching and/or unwanted sexual contact of any kind, or threat of such contact. Sexual contact will be considered unwanted or without consent if no clear consent is freely given; if inflicted through force; or if inflicted upon a person who is unconscious or otherwise without physical or mental capacity to consent;
 - (5) Unwelcome expressions of a sexual nature, including sexual comments about a person's body, dress, appearance, or sexual activities; display of sexually offensive posters, pictures, words, or messages; unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene phone calls or e-mails.
 - (6) Introduction of sexually explicit materials into the classroom or into the workplace without an educational or work-related purpose. However, SOU adheres to the principles and traditions of academic freedom.
 - b. Retaliating against a complainant, respondent, or any individual who participates in an investigation.
3. **Request to Report**
 - a. Anyone subject to this policy who believes s/he has experienced or witnessed sexual harassment or related retaliation is encouraged to report such behavior promptly to any AAO.
 - b. If institution officials learn of incidents of alleged sexual harassment, but the alleged complainant is reluctant to bring a complaint, an AAO may direct an investigation on behalf of the University and corrective action, if appropriate, may ensue based on this investigation.
 - c. Any obligation to report does not apply to employees such as professional counselors who are required by their professional responsibilities to keep certain communication confidential.
4. **Academic Freedom.** SOU's sexual harassment policies do not prohibit instructors from bringing relevant sexual content into their courses. It is understood that the principles of academic freedom permit topics of all types, including those with sexual content, to be part of courses, lectures, and

other academic pursuits. However, materials with sexual content that are used or displayed in an educational setting must be related to educational purposes.

5. **Responsibility for Policy Dissemination.** It is the responsibility of vice presidents, chairs, directors, program managers, and supervisors to broadly and regularly disseminate this policy to their employees. It is the responsibility of the Vice President for Academic and Student Affairs to broadly and regularly disseminate this policy to students. It is the responsibility of the Director of Human Resources to send an annual all-campus notification of this policy to all employees.
6. **Training.** Sexual harassment training shall be offered to faculty and administrators to ensure that those responding to complaints have training and knowledge to fulfill their responsibilities.
 - a. It is the responsibility of the AAOs (including the Director of Human Resources) to develop general sexual harassment training for faculty and administrators and to ensure that those responsible for responding to complaints have training and knowledge to fulfill their responsibilities.
 - b. It is the responsibility of the Director of Human Resources to oversee the annual training of the Liaisons and the AAOs.
 - c. It is the responsibility of the Director of Human Resources to periodically assess the effectiveness of the notification and training processes. Assessments are kept on file in the Human Resources Office for the period stipulated by Oregon Administrative Rule 166-475.
7. **Records Management.** Records shall be maintained by Human Resources for the period stipulated by OAR 166-475 for each academic year showing:
 - a. The number of formal complaints of sexual harassment;
 - b. The number or percentage of those complaints in which sexual harassment was found to have occurred; and,
 - c. The sanction imposed to the extent consistent with restrictions on disclosure of records.
8. **Report to the Board.** Every four years, the President reports to the OUS Board the results of a study designed to measure the effectiveness of this policy as perceived by students and employees. The report is kept on file in the Human Resources office for the period stipulated in OAR 166-475.
9. **Contractors.** It is the responsibility of the Director of Human Resources to ensure the notification of all contractors and contractors' employees that they are required to adhere to this policy prohibiting sexual harassment in their interactions with members of the campus community.
10. **Alternatives.** Nothing in this policy precludes any person from filing a complaint with the Oregon Bureau of Labor & Industries, the Equal Employment Opportunity Commission, or a court of competent jurisdiction.
11. **Sanctions.** Violations of this policy are not tolerated. For employees, violations may result in disciplinary action up to and including dismissal consistent with Board and University policy and collective bargaining agreements. For students, violations may result in disciplinary action under Southern Oregon University's *Student Code of Conduct*. Campus visitors who violate this policy may be prohibited from entering campus property and participating in University-sponsored events and activities both on- and off-campus.

13. **Revision.** This policy may be revised at any time without prior notice. All revisions supersede prior policy and are effective upon approval.

D. Confidentiality and Limits on Confidentiality

1. **Need to Know.** The results of investigations and actions taken by the University are divulged on a need-to-know basis. Under guidelines issued by the Office of Civil Rights, once an employee of the University is informed about an incident of sexual harassment, the University must take appropriate action to investigate and, if substantiated, remedy any harassment that has occurred.
 - a. The scope of the University's response to an allegation of sexual harassment may be affected by the alleged victim's request for confidentiality or a request by the alleged victim that the University take no action regarding the alleged incident.
 - b. The University must take reasonable steps to investigate allegations of sexual harassment consistent with a request for confidentiality as long as doing so does not prevent the University from responding effectively to the alleged incident or preventing further occurrences.
 - c. The University evaluates a request for confidentiality in the context of its responsibility to provide an environment free of sexual harassment for students, employees, and visitors. Factors considered include, but are not limited to, the seriousness of the alleged harassment, whether there have been other verified reports of harassment against the alleged harasser, and the rights of the alleged harasser to receive information about the allegations.

E. Advice and Assistance

Employees and students who feel they are being sexually harassed, or are uncertain if they are experiencing sexual harassment and wish to discuss the situation with someone without lodging an informal or a formal complaint, may seek advice from a Sexual Harassment Information Liaison.

F. Filing a Complaint (see Appendix A for detailed guidelines)

1. **Students.** Students with a complaint of sexual harassment under this policy should contact any AAO or refer to the *Student Handbook* for information. Students also have recourse through the informal and formal grievance procedures described in Oregon Administrative Rule 573-035, in re Discrimination, at:
http://arcweb.sos.state.or.us/rules/OARS_500/OAR_573/573_tofc.html
2. **Faculty and Staff.** For faculty, administrators, and classified staff, a complaint of sexual harassment may be filed with the Director of Human Resources Services. However, an employee may choose whichever AAO with whom the employee is most comfortable.
 - a. **Informal Procedure.** Complainants are encouraged to resolve a complaint of alleged sexual harassment as soon as possible either directly with the alleged respondent or with the assistance of the complainant's direct supervisor, chair, director, or the appropriate AAO.
 - b. **Formal Procedure.** A formal sexual harassment complaint should be filed with the appropriate AAO orally, or in writing, within 30 calendar days after the alleged act and no later than 180 calendar days. If the complaint is received orally the AAO converts it to a written statement using the Sexual Harassment Reporting Form (*Appendix B*). Complainants may also file a written report using the Sexual Harassment Reporting Form. The written statement contains the following information:
 - (1) Complainant's name, address, status, and telephone number;
 - (2) The date of the alleged act of sexual harassment, the name of the person responsible for the alleged sexual harassment, and a detailed description of the incident;

- (3) An outline of the attempts to resolve the complaint 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.
3. **Investigation.** The AAO investigates the complaint and, in consultation the appropriate chairs or directors, develops a recommended course of action.
 4. **Decision.** The Complainant receives a final written decision from the AAO within 30 calendar days after the receipt of the complaint unless the AAO notifies the complainant of a 30-day extension.
 5. **Additional reporting options.** The procedures outlined in Oregon Administrative Rule 573-035, in regard to Discrimination, shall be used for redressing grievances if not otherwise processed under a collective bargaining agreement or the faculty constitution.
 - a. Faculty members alleging harassment or intimidation by students may file complaints under applicable student conduct codes.
 - b. Responses to allegations of sexual harassment by a faculty member are governed by the Faculty Constitution and Bylaws and /or the AP:SOU Collective Bargaining agreement.
 - c. Complainants also have the right to file formal charges with other appropriate federal, state, or local agencies. The University may suspend an investigation under this procedure if the grievant also seeks review under other internal or external review procedures.

G. Appeals

1. **Rationale.** Appeals will be considered only when new evidence, which was not reasonably available at the time of the formal investigation, becomes available, or when an allegation of substantial procedural error on the part of the investigator or investigatory process is made, or on the grounds that the sanction was excessively severe.
2. **Channels.** An alleged offender, desiring to appeal a sanction(s), will do so through the appropriate corresponding channel, depending on the University community status of the respondent. The appeal must be submitted to the appeal authority and must be filed within prescribed time frames.
 - a. **Students** — If the offender is a student, the appeal must be submitted within seven (7) calendar days after the sanction was issued. The appeal will be considered by the Vice President of Student Affairs or his/her designated representative.
 - b. **Faculty** — If the alleged offender is a faculty member, the appeal is considered by the Faculty Senate in accordance with the Faculty By-Laws and /or through the AP-SOU Collective Bargaining Agreement in the time frame described therein.
 - c. **Classified employee** — If the alleged offender is a classified employee the appeal is considered in accordance with SEIU collective Bargaining Agreement in the time frame described therein.
 - d. **Administration** — If the alleged offender is a member of the University administrative staff then an appeal should be submitted in writing to the University President within seven (7) calendar days after the sanction was issued.
3. **Scope.** The appeal authority shall have the power to affirm, reverse, or modify (but not increase) the decision and/or the penalty imposed, or to remand the matter to the University official imposing the sanction for further consideration. Appeals must be submitted in writing detailing

the specific reason(s) for the appeal.

4. ***Time frame.*** The appeal authority will provide a ruling generally within ten (10) working days from receipt of the appeal. The decision of the appeal authority is final.

Addendum A
Sexual Harassment Policy and Procedures

**GUIDELINES FOR REPORTING INCIDENTS
OF SUSPECTED SEXUAL HARASSMENT**

Sexual harassment is prohibited at Southern Oregon University as stipulated in our Sexual Harassment Policy. Employees and students are encouraged to come forward with concerns regarding sexual harassment. The University provides various channels of communication, information, and both informal and formal complaint resolution procedures.

RESOURCES AND ADVICE

Employees and students who feel they are being sexually harassed, or are uncertain if they are experiencing sexual harassment and wish to discuss the situation confidentially with someone without lodging an informal or a formal complaint, may seek advice from a Sexual Harassment Information Liaison or an Affirmative Action Officer (AAO).

Sexual Harassment Information Liaisons: Liaisons are available in Counseling Services (ACCESS Center), Campus Public Safety, Student Health and Wellness Center, and the Women's Resource Center.

AAOs: Director of Student Support and Intervention; Director of Diversity and Inclusion; Director of Human Resources.

In addition, the following materials and websites are available for reference:

- SOU Sexual Harassment Policy
- SOU *Student Handbook*
- "Information for Students About Sexual Harassment and Southern Oregon University's Response to Student's Reports of Alleged Sexual Harassment (Appendices A & B)"
- Oregon Administrative Rule 573-035, in re Discrimination
- OUS-SEIU *Collective Bargaining Agreement*
- AP:SOU *Collective Bargaining Agreement*
- Equal Employment Opportunity Commission: http://www.eeoc.gov/laws/types/sexual_harassment.cfm
- Office of Civil Rights: <http://www2.ed.gov/about/offices/list/ocr/sexharassresources.html>

When you are ready to seek the University's support to resolve a complaint, you should contact an AAO as soon as possible.

Jay Stephens
Director of Human Resources
Churchill Hall 156
stephenj1@sou.edu
541-552-8557

Taylor Burke
Director, Student Support and Intervention
Stevenson Union 321
taylor.burke@sou.edu
541-552-6652

Marjorie Trueblood-Gamble
Director, Diversity and Inclusion
Stevenson Union 321
truebloom@sou.edu
541-552-6459

Each of these AAOs is available for you to discuss the Sexual Harassment Policy as well as other considerations such as:

- The details of the informal and formal complaint process and external grievance resolution resources;
- Possible resolutions;
- Provisions for protecting your interest (e. g., parameters of confidentiality; keeping you fully informed; your protection and the protection of witnesses against retaliatory action);
- Provisions for protection of the interests of the alleged harasser (e. g., parameters of confidentiality; right to be notified of existence of any formal complaint.

After the above information has been discussed, you may decide to:

- Take no further action;

- Request informal resolution;
- Request a formal investigation;
- Seek assistance from an external source.

TIMELINESS

You are encouraged to report any incident as soon as possible. Delay in reporting may negatively affect SOU's ability to address incidents thoroughly. For example, when reporting is delayed witnesses may be unable to recall events due to the passage of time; witnesses may have gone on to other employment or corroborating evidence may not be available. Therefore persons who believe they may have been subjected to sexual harassment are encouraged to report the incident, if possible, within thirty (30) calendar days of the incident(s) and no later than 180 calendar days after the incident.

CONFIDENTIALITY

The results of any investigation and actions taken by the University are divulged only on a need-to-know basis. The factors considered in evaluating a request for confidentiality include, but are not limited to, 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 alleged harasser to receive information about the allegations if a formal proceeding results.

If you request to have your name withheld, SOU's efforts to stop the harassment may involve indirect efforts such as sexual harassment training and other steps aimed at preventing its recurrence, without initiating formal action against the alleged harasser or revealing your identity. You will be informed of the decision SOU makes and any actions SOU takes.

If an AAO learns of an incident of potential sexual harassment, but the alleged victim is reluctant to submit a complaint, the AAO may direct an investigation on behalf of the institution and corrective action may be taken, if appropriate, based on the findings of this investigation.

You should be aware that under guidelines issued by the Office of Civil Rights, once an employee of SOU has knowledge of alleged sexual harassment—whether carried out by employees, students or others on campus property—SOU must take immediate and appropriate action to determine what has occurred and, if an allegation is proved to be true, take steps reasonably calculated to end any harassment, eliminate a hostile environment, and take reasonable steps to prevent harassment from occurring again.

RETALIATION

SOU's Sexual Harassment Policy explicitly prohibits any retaliation against any individual who reports incidents of alleged sexual harassment or against individuals who assist in the investigations of these matters. Sanctions for retaliation are described in the Sexual Harassment Policy.

HOW TO FILE A FORMAL COMPLAINT

All formal complaints are filed using the Sexual Harassment Formal Complaint Form (*Appendix B*) which is available from any AAO or can be downloaded from the Human Resources section of the SOU website.

Students can find information on filing a formal complaint in the *Student Handbook* and "Student Code of Conduct." In addition, students have recourse through Oregon Administrative Rule 573-035, in regard to Discrimination, which can be found at:

http://arcweb.sos.state.or.us/rules/OARS_500/OAR_573/573_035.html

Faculty, administrators and classified staff can find procedures for filing a formal complaint in the Sexual Harassment Policy which is located at the Human Resources section of the SOU website.

Complainants also have the right to file formal charges with other appropriate agencies such as the Equal Employment Opportunity Commission, Office of Civil Rights, Oregon Bureau of Labor and Industry or a court of competent jurisdiction. The University may suspend an investigation under internal procedures if the complainant files a complaint with an external agency.

COMPLAINT RESOLUTION OPTIONS

The aim of the SOU Sexual Harassment Policy is to ensure that the alleged offending behavior is investigated and addressed and that the matter is resolved promptly at the lowest possible level in the organization. The informal complaint resolution process is recommended as the first step in attempting to stop offending behavior. There is no requirement that an individual with a complaint attempt an informal resolution before filing a formal complaint.

- **Direct Communication**

If you believe you have been subjected to sexual harassment tell or otherwise inform the harasser that the conduct is unwelcome and must stop. However, in some circumstances this course of action may not be feasible, may be unsuccessful, or you may not be comfortable dealing with the matter in this manner.

- **Third-Party Intervention**

If a personal course of action fails, or is not appropriate, or if you are not sure who the harasser is and you need advice about what to do next, you are encouraged to seek advice, information or counseling on matters related to sexual harassment/sexual misconduct without having to lodge an informal or formal complaint.

Students -- If you are a student and you feel you are being harassed, or are uncertain as to whether what you are experiencing is sexual harassment/sexual assault, and/or if you wish to discuss your situation confidentially with someone, without having to lodge an informal or formal complaint, contact any of the following Sexual Harassment Information Liaisons:

Counseling Services (ACCESS Center)	2-6213
Campus Public Safety	2-6258
Student Health and Wellness Center	2-6136
Women's Resource Center Coordinator	2-6217

Further information for students is available at the Office of Student Affairs website (www.sou.edu/studentaffairs) and the Women's Resource Center site (www.sou.edu/wrc).

Faculty and Staff -- If you are a member of the faculty or the staff, and you feel you are being harassed, or are uncertain if you are experiencing sexual harassment/sexual assault, and/or if you wish to discuss your situation confidentially with someone, without having to lodge an informal or formal complaint, you are advised to seek advice with whomever you are comfortable within your normal chain of command, with your designated union representative or with any of the University's Sexual Harassment Information Liaisons.

FORMAL COMPLAINT RESOLUTION

The filing of a written complaint is required for the matter to be formally investigated and a determination made as to whether a violation of Sexual Harassment Policy has occurred. Formal complaints are usually filed as follows. However, persons seeking to file a formal complaint may file with any AAO with whom they are most comfortable.

Investigating officials will conduct full, impartial, and timely investigations. Investigating officials will provide the alleged offender with the allegations to which that individual will be required to respond in a timely manner. During the course of the investigation the formal investigating officials normally will interview the individual with the complaint, the alleged offender, and witnesses identified by each party.

As previously indicated, to the extent possible, complaints are handled confidentially, with the facts made available only to those who have a compelling need to know for purposes of investigation, support, resolution, or legal compliance.

The specific issues to be investigated and/or reviewed may include but are not limited to:

- Whether the specific conduct has occurred and constitutes a violation of SOU's sexual harassment policies; the type(s) of conduct; frequency of occurrence; date(s) on which or time period over which the conduct has occurred; location of alleged occurrence and all factual circumstances upon which the complaint is based;
- The specific relationship of the alleged offender to the individual with a complaint (e.g., professor-student, supervisor-employee, employee-student, etc.);
- The effect of the alleged offender's conduct on the complainant, including any consequences that may be attributed to the conduct;
- Whether the alleged offender is aware of the complainant's concerns;
- Whether the department chair or supervisor is aware of the complainant's concerns;
- The names of witnesses having factual knowledge of the circumstances surrounding the complaint;
- Whether any prior steps were taken to resolve the complaint; and/or
- Whether there are any additional resources that may be helpful to resolve the complaint.

Possible outcomes of a formal investigation include, but are not limited to:

- A finding that there is a reasonable basis that misconduct may have occurred. This information will be provided to the appropriate University official for further consideration/action; or
- A finding that there is no reasonable basis for believing that the alleged violation occurred.

FORMAL SANCTIONS

Sanctions imposed upon offenders shall be commensurate with the seriousness of the conduct. Sanctions shall also be sufficient to demonstrate the University's commitment to taking strong and effective measures to both remedy and prevent the conduct. Appropriate sanctions may range from a written reprimand up to and including separation of the offending party from the University.

In addition to the University disciplinary process, the district attorney of the relevant county may prosecute rape and other forms of sexual assault. Individuals who file a complaint under University procedures may also file charges under Oregon statutes.

DECISION TO IMPOSE SANCTIONS

If after reviewing the investigative report, the AAO concludes that there is a reasonable basis for believing an alleged violation of the policy has occurred, and if a negotiated settlement of the complaint has not been achieved, the AAO may submit a recommendation for formal sanction to the appropriate University official.

UNIVERSITY OFFICIALS RESPONSIBLE FOR SANCTIONS

The decision to impose formal sanctions is made by the appropriate University official, such as one of the following:

- By the Director of Student Support and Intervention or designee in cases where the offender is a student.
- By the Provost or the Provost's designee in cases where the offender is a faculty member or other instructional personnel.

- By the Vice President for Finance and Administration, or by that person's designee in cases where the offender is an administrator or classified staff person.

APPEALS

An alleged offender, desiring to appeal a sanction, does so through one of the following University officials:

- If the offender is a student, the appeal must be submitted to the Vice President of Academic and Student Affairs, or the Vice President's designated representative, within seven (7) calendar days after the sanction is issued.
- If the alleged offender is a faculty member, the appeal is considered by the Faculty Senate in accordance with the Faculty By-Laws and /or through the AP-SOU Collective Bargaining Agreement.
- If the alleged offender is a classified employee the appeal is considered in accordance with SEIU *Collective Bargaining Agreement*.
- If the alleged offender is an administrator, then an appeal should be submitted in writing to the University President.

Appeals are considered only when new evidence, which was not reasonably available at the time of the formal investigation, becomes available, or when an allegation of substantial procedural error on the part of the investigator or investigatory process is made, or on the grounds that the sanction was excessively severe.

Appeals must be submitted in writing detailing the specific reasons for the appeal. The appeal authority provides a ruling generally within ten (10) working days from receipt of the appeal. The appeal authority has the power to affirm, reverse, or modify (but not increase) the decision and the penalty imposed, or to remand the matter to the University official imposing the sanction for further consideration. The decision of the appeal authority is final.

