

Policy Number: 03-05-032

Policy Title: HARASSMENT

Effective Date: October 22, 2010

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1. **Policy**

Harassment on the basis of race, color, religion, national origin, gender, age, disability, marital status, veteran status, sexual orientation, gender identity or expression, participating in a Civil Rights complaint, use of the Worker's Compensation system, use of the Federal Family Medical Leave Act or the Oregon Medical Leave Act, or any other prohibited basis in law is unlawful and is strictly prohibited at OHSU. OHSU administration, faculty, staff, volunteers and students are responsible for maintaining an environment for work, study, and the provision of services free from harassment.

2. **Definition**

Harassment is any verbal, visual, physical, or any other kind of conduct that is connected, in a negative way, with an individual's, or a group's, race, color, religion, national origin, gender, age, disability, marital status, veteran status, sexual orientation, participating in a Civil Rights complaint, use of the Worker's compensation system, use of the Federal Family Medical Leave Act or the Oregon Medical Leave Act, or any other prohibited basis in law when:

- A. Submission to or rejection of such conduct is used either explicitly or implicitly as a basis for any decision affecting terms or conditions of an individual's employment, receipt of services, or academic activities; or
- B. Such conduct has the effect of unreasonably interfering with an individual's work performance, receipt of services or academic activities, or creates an intimidating, hostile or offensive environment.

The only exception is, if in the teaching, research, or service provision context, a reference to, or consideration of, an individual's, or a group's, race, color, religion, national origin, gender, age, disability, marital status, veteran status, sexual orientation, gender identity or expression, etc. is legitimate and germane to the specific subject matter or activity.

3. **Examples of Harassment**

Harassment can occur between any individuals associated with OHSU, e.g., between an employee and a supervisor; between co-workers; between faculty members; between a faculty, staff or student and a customer, patient, vendor, volunteer and contractor; or between a student and a faculty member or another student.

Examples of verbal or physical conduct prohibited by OHSU's Harassment Policy include, but are not limited to a pattern of prohibited conduct that causes or results in discomfort or embarrassment including: (1) comments; (2) explicit statements, questions, jokes, or anecdotes; and/or (3) display of inappropriate materials in a location where others can see it, including using OHSU computing and telecommunications resources, when such a display or materials unreasonably interferes with a person's work, receipt of services, or academic activities.

4. **Reporting Harassment**

OHSU encourages individuals who believe they have experienced or witnessed harassment to come forward promptly. Harassment concerns can be resolved by the person being harassed directly with the harasser. When such resolution is not possible or appropriate, concerns regarding harassment should be brought to:

- A. The supervisor or department head most directly concerned;
- B. Any academic or administrative official of OHSU including but not limited to the President, a Vice President, Chief Administrative Officer, Legal Counsel, the Provost or a Vice Provost, a Dean, a Chair, a Director, a Manager or Supervisor; or
- C. The Affirmative Action and Equal Opportunity (AAEO) Department; or
- D. Human Resources; or
- E. The Integrity Office; or
- F. The Office of Academic Affairs; or
- G. The Department of Patient Relations; or
- H. The Department of Public Safety.

Any person who receives a report of harassment shall promptly notify the AAEO Department or Human Resources of the complaint. The AAEO Department has primary responsibility for investigating and resolving reports of harassment lodged by students, patients, applicants for educational programs, volunteers and others.

The AAEO Department and Human Resources have primary responsibility for complaints lodged by employees and employment applicants.

5. **Options for Resolution**

Individuals who report harassment will be advised of their options for resolution of the complaint. These options include:

- A. Informal resolution of the complaint pursuant to the University's Equal Opportunity Complaint Procedure of Policy No. 03-05-050; or
- B. Formal investigation of the complaint pursuant to the University's Equal Opportunity complaint procedures of Policy No. 03-05-050.

6. Confidentiality

To the extent possible, OHSU treats as confidential all information received in connection with reports of harassment. It may become necessary, however, to disclose particulars in the course of the investigation. All individuals who participate in an investigation have an obligation to maintain confidentiality of the matters discussed.

7. Non-retaliation

No person shall retaliate against an individual for reporting harassment or for participating in an investigation.

8. Cooperation and Truthfulness

Individuals who are asked to participate in an investigation are required to fully cooperate and to provide truthful information and responses to questions and inquiries.

9. False Complaints

No person shall intentionally make a false accusation of harassment through the use of these procedures.

10. Corrective Action

Where harassment is found, measures shall be taken to stop it immediately and to implement corrective action and discipline as appropriate.

Revision History: October 14, 1999; October 9, 2001; October 22, 2010

Responsible Office: Affirmative Action and Equal Opportunity Department