



OHSU POLICY MANUAL

Policy Number: 03-05-050

Policy Title: COMPLAINTS OF DISCRIMINATION, HARASSMENT AND RETALIATION

Effective Date: January 1, 2020

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1. **Generally**

OHSU does not tolerate prohibited discrimination, harassment and retaliation as those terms are as defined in Policy 03-50-048. The procedures described below are applicable to OHSU Members who complain about prohibited discrimination, harassment and/or retaliation.

2. **Definitions**

- A. **Reporting Party:** The individual who raises concerns about prohibited discrimination, harassment or retaliation.
- B. **Complaint:** The informal or formal concern alleging prohibited discrimination, harassment or retaliation.
- C. **Discrimination:** See definition in OHSU Policy 03-05-048.
- D. **Harassment:** See definition in OHSU Policy 03-05-048.
- E. **Respondent:** The individual accused of engaging in prohibited discrimination, harassment or retaliation.
- F. **Sexual Misconduct and Assault:** See definition in OHSU Policy 03-05-048.
- G. **Sexual Harassment:** See definition in OHSU Policy 03-05-048.
- H. **Title IX:** The federal law prohibiting discrimination on the basis of sex or gender in any education program, employment, admissions or activity operated by a recipient of federal financial assistance, such as OHSU. Discrimination on the basis of sex or gender includes (but is not limited to) gender-based harassment, sexual harassment, sexual misconduct, sexual violence, and retaliation relating to complaints of sex or gender discrimination.
- I. **Title IX Coordinator:** The Director of the AAEO Department and the person responsible for implementing OHSU's Title IX policy and procedures.

3. **Reporting a Concern**

OHSU strongly encourages individuals who believe they have experienced or witnessed discrimination, harassment, and/or retaliation to come forward promptly to the AAEO Department/Title IX Office. Other potential reporting avenues include:

- A. Any supervisor, manager, department head, faculty, executive or administrator most directly involved; or
- B. Human Resources; or
- C. The Integrity Office; or
- D. The Office of the Provost; or
- E. The Department of Patient Relations; or
- F. The Department of Public Safety.

Any person or department listed above who receives a complaint shall promptly notify the AAEO Department, Title IX Coordinator or Human Resources of the complaint. AAEO will provide a copy of this policy to students, trainees, patients, applicants for academic programs, volunteers and others who reported such concerns. Human Resources will provide a copy of this policy to employees and employment applicants upon receipt of the complaint.

The AAEO Department and Title IX Coordinator have primary responsibility for investigating and resolving reports of prohibited discrimination, harassment and retaliation lodged by applicants for academic programs, patients, students, volunteers and others. The AAEO Department, Title IX Coordinator and Human Resources have primary responsibility for complaints lodged by employees and employment applicants.

4. **Complaint Procedures**

A. **AAEO Department's Responsibility**

The AAEO Department has the responsibility to adopt and amend complaint procedures as appropriate and necessary for execution of this policy.

All complaints of prohibited discrimination, harassment and retaliation will be processed in accord with complaint procedures adopted and implemented by the AAEO Department. Such procedures can be found on the AAEO Department website (www.ohsu.edu/aaeo).

B. Complaints Alleging a Violation of Title IX

The Title IX Coordinator shall ensure OHSU’s compliance with Title IX, oversee the investigation of any complaint alleging a violation of Title IX and may, as necessary, take appropriate action to ensure OHSU complies with Title IX in a manner that is prompt, equitable and effective. The Title IX Coordinator has discretion to implement any reasonable measure necessary to comply with Title IX, including taking interim steps before an investigation has concluded.

Anonymous reporting of a complaint alleging a violation of Title IX is possible by calling the OHSU Integrity hotline (1-877-733-8313, toll free; 24 hours a day, 7 days a week) or by filing an online report (www.ethicspoint.com). The ability to meaningfully investigate and/or address anonymous concerns may be limited. The Reporting Party alleging a violation of Title IX may also file a formal complaint with OHSU’s Title IX Coordinator at the address listed below or with the U.S. Department of Education Office for Civil Rights at 1-800-421-3481 or OCR@ed.gov.

The Reporting Party has a right to simultaneously report a complaint alleging a violation of Title IX and file a criminal complaint with local law enforcement.

C. Title IX Coordinator

Questions regarding Title IX can be directed to the Title IX Coordinator. OHSU’s Title IX Coordinator is the Director of the AAEO Department.

Mailing address: 3181 S.W. Sam Jackson Park Road, Mail Code MP240
Portland, OR 97239-3098

Office location: Marquam Plaza, 2525 S.W. Third Avenue, Suite 240
Portland, OR 97201-4901

Telephone: 503-494-5148

Fax: 503-494-8810

Email: aaeo@ohsu.edu

Website: www.ohsu.edu/aaeo

D. Complaints Alleging a Violation of the Americans with Disabilities Act (ADA)

The ADA Coordinator oversees OHSU’s compliance with the ADA and can be contacted at the AAEO Department address, telephone or email listed above.

5. Protected Communications and Documentation

This policy is not intended to restrict communications or actions protected or required by state or federal law. A victim of discrimination, harassment or retaliation may voluntarily disclose such information.

Anyone who observes or experiences what they believe to be incidents of discrimination, harassment, or sexual assault are also encouraged to document such incidents.

6. **Non-Retaliation**

OHSU strongly prohibits any form of discipline, reprisal, intimidation, or retaliation against any person who makes a good-faith report under this policy, pursues any discrimination or harassment claim, or cooperates in good faith in related investigations. Retaliation against an individual for reporting discrimination or for participating in an investigation is strictly prohibited. Any act of discipline, reprisal, intimidation, or retaliation violates this policy and will result in appropriate disciplinary action.

Anyone who believes they have experienced or observed any retaliation in violation of this policy, should promptly notify the AAEO Department.

7. **Confidentiality**

To the extent possible, OHSU treats as confidential all information received in connection with reports of discrimination. 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.

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. **Bad Faith Complaints**

It is a violation of this policy for anyone to make an accusation of discrimination or harassment in bad faith. Any employee or student who is found to have made an intentionally false accusation of discrimination or harassment will be subject to disciplinary action.

10. **Corrective Action**

Where discrimination is found, steps will be taken to ensure that the discrimination is stopped immediately and does not reoccur. Appropriate corrective measures may range from counseling, verbal or written reprimands, suspensions, or other action, up to and including dismissal, in accordance with established OHSU policies and procedures and applicable laws and regulations.

11. **No Limitation of Remedies**

Nothing in this policy prevents a Reporting Party from filing a formal grievance in accordance with a collective bargaining agreement, if applicable, or a formal complaint with the Oregon Bureau of Labor and Industries (BOLI), or the Equal Employment Opportunity Commission (EEOC) the U.S. Department of Education Office for Civil Rights (1-

800-421-3481), and/or any other state or federal agency responsible for enforcing laws governing prohibited discrimination, harassment, and retaliation in education, employment, and patient care related activities and services. However, bargaining unit employees should be aware that some union contracts require the member to choose between the complaint procedure outlined in the contract and filing a BOLI or EEOC complaint.

A complaint filed by an employee with BOLI alleging an unlawful employment practice as described in ORS 659A.030 (prohibiting discrimination because of race, color, religion, sex, sexual orientation, national origin, marital status, age or expunged juvenile record), 659A.082 (prohibiting discrimination and mandating leave for certain military service), 659A.112 (prohibiting discrimination against individuals with disabilities), or unlawful harassment, sexual assault or a violation of the additional protections for victims outlined above, must be filed no later than five years after the occurrence of the alleged unlawful employment practice.

In addition to the above, nothing in this policy prevents any person from seeking remedy under any other available law, whether civil or criminal.

12. Prohibited Employment or Settlement Agreement Terms

OHSU will not require or coerce an employee or prospective employee to enter into an agreement that has a term that has the purpose or effect of preventing the employee from disclosing or discussing conduct that constitutes a violation of this policy, or is otherwise protected by law. This includes both: (a) nondisclosure agreements, which are those that prohibit one or more parties from disclosing certain information, or (b) non-disparagement agreements, which are agreements in which one or more parties agree not to make negative statements about the other(s).

Notwithstanding the above, OHSU may enter into such agreements when an employee voluntarily requests to do so, in which case the employee will have seven (7) days after executing the agreement to revoke the agreement if they wish to do so.

This section does not apply to an employee who is tasked by law to receive confidential or privileged reports of discrimination, sexual assault or harassment or to any employee that OHSU determines has engaged in conduct prohibited by this policy.

Related Regulations and Statutes:

**Title IX of the Education Amendments of 1972, 34 CFR Part 106, 41 CFR Part 60
Oregon Revised Statute 659A**

Related Policies and Procedures:

**OHSU Code of Conduct
Policy 03-05-048, Discrimination, Harassment, and Retaliation
Policy 11-20-010, Acceptable Use of Computing and Telecommunications Resources
OHSU Sexual Harassment Pamphlet
Respect for All Resource Guide**

Related Forms:

Prohibited Discrimination and/or Harassment Complaint Form

Implementation Date: October 10, 1996

**Revision History: July 8, 1999; October 14, 1999; December 27, 2001; October 22, 2010;
November 10, 2014; January 1, 2020**

Responsible Office: Affirmative Action and Equal Opportunity (AAEO) Department