

# Investigating Discrimination, Harassment, and Retaliation Complaints

## Complaint Procedures per OHSU Policy No. 03-05-050

- All OHSU members have an opportunity to submit a complaint of prohibited discrimination, harassment, and/or retaliation due to a protected category. Such complaints relate to services and/or terms and conditions of employment or education.
- Protected categories include (but are not limited to) age, disability, gender, gender identity or expression, military/veteran status, race, religion, sex, sexual orientation, use of protected leave, engaging in a protected activity (such as filing or pursuing a complaint of discrimination or harassment), and whistleblower status.
- The process below is for employee complaints. Yet, any person may file a complaint against an OHSU employee, faculty, student, department, intern, fellow, or volunteer and the process will follow similar steps.

## Civil Rights Investigations Process

AAEO's civil rights investigators function as neutral fact finders to resolve civil rights complaints. A preponderance of the evidence standard (i.e., more likely to be true than not) is used to determine if an allegation or other conduct can be substantiated. The following steps discuss the "formal" complaint process, as defined by OHSU policy. See the AAEO Prohibited Complaint Procedure (located on the AAEO website) for the "informal" resolution process.

1. **NOTICE.** An employee may submit a complaint form to AAEO. An employee may also inform a supervisor, Human Resources (HR), the Integrity Office (Integrity), Title IX Coordinator, and/or Department of Public Safety (Public Safety) of a "complaint" of discrimination, harassment, or retaliation; and the complaint will be forwarded to AAEO. A complaint can be verbal, in writing, electronic, or communicated by other means.

The employee who submits a complaint is the "reporting party." The person who is alleged to have engaged in misconduct is the "respondent." In some cases there are multiple reporting parties or respondents.

Upon notice of a complaint, AAEO will inform HR and the supervisor of the respondent that AAEO will investigate. AAEO may also inform Legal, Risk Management, the Title IX Coordinator, and/or Public Safety. AAEO has the discretion to refer certain concerns/complaints to other departments, as appropriate.

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At AAEO's discretion, the scope of an investigation may expand beyond the initial complaint to include other issues or people. The scope is determined by the totality of the information gathered during the investigation.

**2. INTERIM STEPS.** AAEO has discretion to take steps to ensure the safety and well-being of the parties involved and the OHSU community before and during an investigation. Examples of such measures might be no contact directives, separating the reporting party and respondent, permitting leave from work or school, or other appropriate measures as determined by AAEO in consultation with the parties and/or other departments.

**3. INTERVIEWS.** Interviews are conducted to gather information. Generally, the first interview is with the reporting party. The respondent is interviewed later in time. All parties may have an advisor or support person with them during the interview; however, that person may not interfere with the interview.

It may be necessary to interview witnesses to the alleged conduct. Witnesses will be notified of the allegations as necessary to gather information. Witnesses are not notified of the outcome of an investigation.

Respondents who are union employees generally have a right to have union representation present for their interview if they choose to do so. An employee who chooses to bring union representation to their interview is responsible for making the necessary arrangements (AAEO does not make these arrangements).

**4. REVIEW OF RECORDS.** The investigation may include a review of correspondence, email, text or instant messages, personnel files, security footage, and/or other documentation related to the alleged conduct. Both the reporting party and respondent have a right for relevant evidence to be considered and should provide such information to AAEO as soon as possible.

**5. SUMMARY OF FINDINGS.** Upon completion of the investigation, the investigator will summarize the allegations, findings, and other relevant information. If a policy violation is found, AAEO may recommend remedial action.

AAEO may share findings with those who have a need to know (e.g., the respondent's supervisor, HR, Dean/Provost's Office, Legal, Integrity, Risk Management, Title IX Coordinator, and/or Public Safety).

**6. CLOSURE MEETINGS.** Individual closure meetings are held with the reporting party or parties and respondent(s) to convey the findings, including whether any policy violations have been found and/or if corrective action has been recommended to management.

Due to the confidentiality of personnel and academic records, the reporting party is generally not provided with specific information as to what corrective action will be taken.

## **Confidentiality and non-retaliation**

AAEO investigations are kept confidential to the extent possible under OHSU policies; and information will only be shared on a need to know basis pursuant to AAEO's investigation protocol or as required by law. OHSU prohibits retaliation against individuals who file a complaint or who participate in an investigation. Alleged retaliation will be investigated and may result in disciplinary action, up to and including dismissal.