



November 3, 2020

Dear OHSU Administration and Policy Advisory Committee,

During the summer of 2020, OHSU's Confidential Advocacy Program (CAP) formed a committee to review OHSU's Discrimination, Harassment, and Retaliation policies in relation to the Office of Civil Rights Title IX regulation changes, with the goal of advocating for survivor-centered changes. In September 2020, CAP held three virtual Survivor Voices Town Halls, in which OHSU survivors discussed their experiences with investigations of sexual misconduct and/or discrimination at OHSU, and discussed what policies need to be implemented for the institution to be more survivor-centered. In addition to the virtual Town Halls, CAP also captured responses from emails, conversations with participants, and a Qualtrics survey. On October 13th, all anonymous comments and questions that CAP received were then provided to the Policy Advisory Committee, AAEO, HR, and OHSU Administration for review and consideration.

Subsequently, CAP was asked to develop policy recommendations based on the feedback we had collected from those at OHSU who have experienced harassment, discrimination, and retaliation. Twenty-five recommendations were developed from our information gathering process. All recommendations were then put in a Qualtrics survey and shared with those who had participated in the information gathering process to be able to vote on each policy change recommendation and ensure that recommendations were consistent with what those who have experienced harassment and discrimination would like to see adopted by OHSU. Below, the recommendations are ranked as most favored by participants. We believe that in many instances it may be best to adopt these recommendations within 03-05-048 and 03-05-050 to ensure OHSU members can access this information more easily. We have added these recommendations as comments to the policies on where we determined they would best fit, but we will leave it up to the institution to determine what makes the most sense.

Survivor Voices Policy Recommendations

1. The policy should make it clear that all members have a right to access confidential supportive services from CAP before reporting, this will ensure that all OHSU members can access information about OHSU policies, reporting systems, and processes, and get

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- their questions regarding reporting answered by a confidential resource. Additionally, the policy should outline that all members have a right to a CAP Advocate to support them when reporting and throughout and beyond the investigation process. Lastly, the policy should be clear that CAP is not a reporting entity rather it is a confidential support program.
2. In support of the BERGs request we recommend that OHSU outline a "zero-tolerance policy" recognizing that many people do not believe that the statement harassment and discrimination is prohibited is sufficiently strong to deter this type of conduct. To address institutional concerns that a zero-tolerance policy may prevent some from reporting, we would recommend that the policy outline that these behaviors are fireable offenses unless the reporting party requests a lesser corrective action be applied.
 3. If OHSU determines not to adopt a zero-tolerance policy, there should be an unbiased corrective action committee formed who will decide corrective action, and this committee should be outlined in policy. Due to lack of consistency in corrective action across the institution for engaging in harassment, discrimination, and retaliation CAP recommends that a centralized committee make these decisions and oversee their implementation in coordination with the respondent's manager/supervisor, HRBP, and others necessary to ensure action is completed.
 4. OHSU needs to explicitly acknowledge in policy that discrimination can happen at an institutional and systems level (not just person to person); there should be a broader system in place, where folks can report systemic discrimination and harassment and instructions in policy regarding how to report this type of discrimination.
 5. The policy should outline that supportive measures are available to people who are experiencing harassment that do not want to formally report, have conduct investigated, or who are experiencing harassment that they believe may not meet the 'pervasive and severe' definition.
 6. The policy should state that if an investigation reveals that department culture is contributing to a toxic work environment, OHSU will commit to doing training with that department, and continued follow up, as well as provide supportive measures to

- any employees who are impacted by that toxic work environment while it is being addressed.
7. The policy should outline that if an instance of sexual misconduct does not fall under the 'pervasive and severe' definition, that it could fall under the code of conduct, and then the policy should list out resources available for folks.
 8. The policy should specifically state that investigations are conducted by unbiased, impartial, trauma-informed investigators.
 9. The policy should outline that there is no timeline for requesting supportive measures or maximum amount of time supportive measures can be received.
 10. The policy should outline that there will be follow-up in a department after an investigation is substantiated (such as Equity & Inclusion training or other interventions that the reporting party feels would help to restore a safe, equitable, and respectful working environment).
 11. The definition of retaliation should be more clearly defined and survivor centered, with concrete examples listed in the policy (for example, macroaggressions should be considered retaliation).
 12. Personal protected leave should be outlined in the policy and information provided that CAP can provide a letter of support, which is sufficient documentation required under the law to access PPL in cases where someone does not want to file a police report or get a protective order. Additionally, information should be provided in the policy about how to contact CAP for this type of assistance.
 13. Policies should state that OHSU will keep records indefinitely of any individuals and departments who have received complaints against them (even when cases are unsubstantiated) and will take that information into account when conducting future investigations.
 14. In order to hold folks more accountable, the policy needs to outline that there will be follow up and monitoring of behavior if the report is substantiated and the respondent is not fired.
 15. If a report is found to be substantiated, the policy should state the respondent waives their right to confidentiality around corrective action.
 16. If OHSU chooses not to adopt a zero-tolerance policy and continues to use the current model for determining corrective

- action. Then the Corrective Action Matrix needs to be clearly outlined in the policy; the policy needs to transparently outline what kind of corrective action OHSU is willing to take so that reporting parties are able to make informed choices about whether or not they would like to report.
17. To be transparent, the policy should state that OHSU will publish results of all types of discrimination reported within a specific year and published these results on OHSU's website (such as investigation type, timeline required to complete the investigation process, if it was substantiated, and what corrective action was taken).
 18. The policy should state that OHSU encourages all members to engage in bystander intervention and outline steps that people can take to stop and interrupt harassment, discrimination, and retaliation.
 19. The policy needs to be very clear that it applies to everyone, no matter your rank or amount of time you've been at OHSU, specifically because there is a strong belief at OHSU that the policy does not apply to those in positions of power at OHSU.
 20. The policy should state that the respondent cannot not qualify for a promotion for at least five years if an investigation is found to be substantiated and they are allowed to stay at OHSU.
 21. The policy should state that if the person who was harassed, discriminated, or retaliated against would like to provide input regarding corrective action, their recommendation will be taken into account.
 22. [The policy should restate the Oregon law that OHSU cannot and will not discriminate/retaliate/threaten to fire people who experience discrimination and report it or who are victims of domestic violence, harassment, sexual assault or stalking. Similarly the policy should state where members can report this type of discrimination \(within OHSU and or outside of OHSU\).](#)
 23. The policy should specifically outline where folks can go for help if someone in a position of power is engaging in sexual misconduct/discrimination/harassment/retaliation against them and link back to supportive measures that would assist survivors in these situations whether or not they choose to report.

24. The policy should prohibit anyone from retaliating against a person intervening or stopping discrimination/harassment/sexual misconduct.
25. The policy should outline that supportive measures should be made available to anyone who works with the respondent and is negatively impacted by their behavior, even if the case is unsubstantiated.

Thank you for your time and consideration of adopting these recommendations.

Sincerely,
The Confidential Advocacy Program and
OHSU Survivors of Harassment, Discrimination, and Retaliation