



OHSU Administration,

During the summer of 2020, OHSU’s Confidential Advocacy Program (CAP) formed a survivor-centered initiative, Rising Voices (formerly Survivor Voices), to amplify the thoughts, inputs, and recommendations of OHSU members who have experienced discrimination, harassment, and/or sexual misconduct. In November 2020, CAP submitted 25 policy recommendations from Rising Voices participants regarding Policy 03-05-048 and Policy 03-05-050. Those policy recommendations **are listed below in blue.**

CAP has heard from many OHSU members who have provided additional input regarding ways that OHSU can better align our policies, procedures, processes, and programs with trauma informed best practices. In March 2021, CAP held three community forums for OHSU members to join Rising Voices and discuss recommendations related to better supporting survivors at OHSU. Additionally, we have meet with culturally specific and equity groups across the university to further develop recommendations and provide additional avenues for meaningful dialogue and collaboration in support of institutional improvement. Through these activities, we have developed an additional 34 recommendations, in addition to the 25 policy recommendations that were put fourth in November. These 34 recommendations are related to Policy 03-05-048, 03-05-050, and Procedure 01-01-001 and many can be applied to institutional and departmental processes and cultural norms. There are also additional recommendations related to survivor supports, training, and developing new programs to better serve survivors at OHSU.

**Reporting:**

1. To enhance tracking reports of discrimination, harassment, and/or sexual misconduct made by OHSU members standard operating procedures should be put in place. When a report is made to an OHSU supervisor and/or Human Resources Business Partners the reporting member of OHSU should receive a case number and a standardized outline of how the supervisor/HRBP will update the OHSU member during the investigatory process.
2. Standard operating procedures for reporting should include a feedback survey, which will be sent automatically after an OHSU member reports to HRBPs. This survey will assess whether or not the issue was sufficiently addressed. It would include measures

Confidential Advocacy Program (CAP)

www.ohsu.edu/cap  
CAPsupport@ohsu.edu  
**Business** 503-346-1131

24/7 Support lines

<b>Portland</b>	833-495-CAPS (2277)
<b>Monmouth</b>	833-963-CAPS
<b>Ashland</b>	833-913- CAPS
<b>Klamath Falls</b>	833-981-CAPS
<b>La Grande</b>	833-992-CAPS

such as: follow through on cases, HRBPs response to cases, and determination of barriers or harms.

3. Policy 03-05-050 must include reporting supervisors who discriminate against reporters or discourage reporting. Supervisors who coach, discriminate, and manipulate their team preventing them from reporting should be investigated by AAEO and face disciplinary action determined by a Corrective Action Committee.
4. **Policy 03-05-048 and 03-05-050 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.**
5. **Procedure 01-01-001 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 have 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.**
6. **OHSU needs to explicitly acknowledge in Policy 03-048-050 that discrimination can happen at an institutional and systems level (not just person to person); there should be a broader system in place, (listed in Policy 03-05-050 and procedure 01-01-001) where members can report systemic discrimination and harassment.**
7. **Policy 03-05-050 and procedure 01-01-001 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.**

8. Annual training regarding reporting responsibilities and best practices in supporting members who disclose discrimination, harassment, and/or sexual misconduct must be required for all responsible employees.
9. **The policies 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.**

**Investigations:**

10. AAEO Prohibited Complaint Procedures (01-01-001) must state that reporting parties have access to paid administrative leave if they need to take time off from work as a result of the harm they have experienced.
11. In procedure 01-01-001, it should be stated that reporting parties will be contacted regularly (bi-monthly) by the investigator in order to be provided with updates on the progress of the investigation.
12. It should be stated in Policy 03-05-050 and procedure 01-01-001 that when a reporting party experiences retaliation, there should not be a separate investigation. This should be included in the current investigation.
13. A system should be implemented that when an allegation of discrimination, harassment, and/or sexual misconduct is raised, there will be active steps to prevent further harm from occurring. The respondent should not be allowed to interact alone with students or other employees. This can be stated in procedure 01-01-001.
14. When it is found that a person in a department is perpetrating racist, sexist, transphobic, homophobic, ableist, or other harmful acts of discrimination, OHSU will not only protect the person coming forward, but any other person who would be interacting with the respondent who may also be a target.
15. **Policy 03-05-050 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.

16. Policy 03-05-048 and 03-05-050 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.

17. Policy 03-05-050 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.

**Retaliation:**

18. The definition of retaliation should be more clearly defined and survivor centered, with concrete examples listed in Policy 03-05-048, (for example, macroaggressions should be considered retaliation).

a. The definition of retaliation should be expanded in Policy 03-05-048. Retaliation must include: if a supervisor and/or HRBPs does not sufficiently address reports in a timely manner, it will be considered retaliation and the supervisor and/or HRBP should face a disciplinary action determined by a Corrective Action Committee. This can be tracked with the feedback survey.

19. Policy 03-05-048 and 03-05-050 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).

20. Policy 03-05-050 should prohibit anyone from retaliating against a person intervening or stopping discrimination, harassment, and/or sexual misconduct.

**Corrective Action:**

21. 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.**

22. Policy 03-05-050 should implement and outline a Corrective Action and Discipline Committee that is responsible for determining corrective action when Policy 03-05-050 is found to be substantiated, (if a “zero-tolerance policy” is not implemented). The Corrective Action and Discipline Committee will determine corrective action and/or discipline, not the respondent’s supervisor. The current system which relies on respondent’s supervisors to determine corrective action is a conflict of interest that should be mitigated. This could address the uneven disciplinary process which often has disparities in corrective action (lower ranked employees face higher corrective action than faculty, managers, and residents for the same infractions, and that often punishes employees of color much more harshly than white employees for the same policy violations).
  - a. Procedure for Corrective Action and Discipline Committee: Similar to a “blinded-peer review process” the Corrective Action and Discipline Committee would not be given the names or departments of the reporting party or the respondent. In instances of power dynamics, the Corrective Action and Discipline Committee would be given information of the reporting party and respondent’s position (such as when the respondent is a faculty member and the reporting party is a student). The Corrective Action and Discipline Committee should include OHSU members (faculty, staff, and students) and third-party external consultants. All members of the Corrective Action Committee should be required to take yearly training on best practices in corrective action, how to apply corrective action consistently, fairly, and impartially, how to determine if proposed discipline fits the violation, and is likely to correct the behavior or prevent it from occurring in the future.
23. In addition to corrective action when an OHSU policy violation is substantiated, a standard operating procedure of financial

accountability should be implemented. If a respondent is due to receive financial bonuses during a two-year period, it should go to an unrestricted survivor fund. The survivor fund could fund time off for survivors who would normally need to use PTO, and could also cover student healthcare costs if a student takes a leave of absence. This should be stated in Policy 03-05-050, in the Corrective Action section.

- 24. Policy 03-05-050 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.**
- 25. 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.**
- 26. 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)**
- 27. In order to hold folks more accountable, the policies need to outline that there will be follow up and monitoring of behavior if the report is substantiated and the respondent is not fired.**
- 28. If a report is found to be substantiated, Policy 03-05-050 and procedure 01-01-001 should state the respondent waives their right to confidentiality around corrective action.**
- 29. Policy 03-05-050 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.**
- 30. 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).

**Survivor Supports:**

***Supportive Measures:***

31. Policy 03-05-050 should outline that there is no timeline for requesting supportive measures or maximum amount of time supportive measures can be received.
  
32. Policy 03-05-050 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.

***Personal Protected Leave:***

33. 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.
  
34. Policies 03-05-048 and 03-05-050 should specifically outline where folks can go for help if someone in a position of power is engaging in sexual misconduct, discrimination, harassment, and/or retaliation against them and link back to supportive measures that would assist survivors in these situations whether or not they choose to report.
  
35. Absences called into the Standard for Personal Protected Leave should not be required to be called in immediately. It should be taken into consideration when a person cannot call in due to the violence they are experiencing and this should not be used against the survivor.
  
36. Because it is often not safe for survivors to get mail related to supports (especially if they are being monitored by an abuser), the Standard should send all paperwork in an email format.
  
37. If an OHSU member has Personal Protected Leave, HRBPs should relay to the supervisor that this means that the members job is

protected and that they cannot retaliate or create a paper trail with intention to retaliate.

***Safety Accommodations:***

38. If management and AAEO determine a safety accommodation to be an “undue hardship” it needs to be explained and a new safety accommodation needs to be suggested and implemented. It is not safe to deny a safety accommodation and present an alternative that is unsustainable, or no alternative at all.
39. Similar, yet separate from the ADA Reassignment Process, a process needs to be implemented in which OHSU members have the option to transfer jobs when they have experienced discrimination and/or sexual misconduct.
40. If an OHSU member is experiencing violence at home, they should be given an option to go into work if working remotely is not safe.

***Financial supports:***

41. OHSU members accessing CAP services should be able to meet with their advocate during paid time at work or during academic duties. This can be outlined in Policy 03-05-050 and procedure 01-01-001.
42. An unrestricted emergency fund needs to be available to OHSU members experiencing discrimination, harassment, and/or sexual misconduct. This fund would pay for PTO for members who need time off or don't feel safe at work, counseling, medication costs, destroyed books, work equipment, and other necessary items to go to school/or to work, childcare, groceries, emergency housing, and to pay for relocations.

***Student supports:***

43. There needs to be a central relocation fund for when students need to transfer campuses due to safety concerns.
44. Students experiencing violence should be able to request a support measure to ensure that they can stay in Multnomah County, instead of the School of Medicine required rural rotation. The rural rotation can be problematic for students who are engaged in legal proceedings and need to access resources located in Multnomah County.

**Other types of discrimination to be included in policies:**

45. Bullying should not be exclusive to protected class to be considered a policy violation. Any and all forms of bullying should be a policy violation under discrimination, harassment, and/or sexual misconduct - not just a Code of Conduct violation, and not just bullying targeting a protected-class. This should be added to Policy 03-05-048 and Policy 03-05-050.

**Record Keeping/Tracking/Transparency:**

46. OHSU leadership should hold multiple periodic townhalls at various times throughout the year that allow people from all shifts to attend. This would be paid time for attendees to ask questions and address leadership about their concerns and ways to improve.
47. OHSU must have an outside organization investigate, not consult, the reporting system, responses, retaliation, failures, and over all conduct of AAEO, managers, executives and any others involved in the current system. It must publicly post all findings and corrective actions taken to include personnel and policy changes and how it will address any failures found.
48. All AAEO personnel, policy and changes in investigatory process must be transparent and include the input of survivors who have utilized the reporting system.

**Training:**

49. Faculty must be trained on the complexities of intimate-partner violence and the impacts that trauma has on academics. Annually, faculty should be reminded that a student's rights to supportive measures does not go away if they are unable to escape from violence in the timeframe that the faculty would like them to.
50. There must be a comprehensive management training for OHSU members to be promoted. People should not be promoted based on tenure alone.
51. Policies and procedures related to discrimination need to be consistent across schools.
52. OHSU needs a systematic and effective anti-racism and anti-sexism training that addresses interlocking systems of oppression as well as individual behaviors and interactions.

53. Supervisors should be required to take an annual training that teaches trauma-informed best practices when supporting a survivor in the workplace.

**Responsible Employee Reporting:**

54. All responsible employees should be required to post on their offices, on their syllabi, and in their email signature that they are responsible employees, where to go to access confidential support, and that they can connect people who want to report with CAP Advocates and/or AAEO Investigators.

55. OHSU should consider reexamining who is a responsible employee. There should be options provided for members in determining what happens with their experience. Many members have indicated that they feel most comfortable confiding in a faculty member yet if they do, they risk a report being made without their consent.

Thank you for your time and consideration in implementing these trauma informed recommendations. OHSU is looking for a path that leads us forward in our aims to be a national leader in health and science innovation for the purpose of improving the health and well-being of Oregonians and beyond and we believe that implimenting these truma-informed best-practice community-centered recommendations is the best place to start this work when it comes to issues related to harassment and discrimination.

Sincerely,

The Confidential Advocacy Program (CAP) and members of Rising Voices