



Responsible Executive: Executive Director of the Office of Equal Opportunity and Access
Responsible Office: Equal Opportunity and Access
Effective: July 19, 2022
Last Revised: July 19, 2022

University Policy 04 100

Discrimination and Discriminatory Harassment

1. Policy Statement

1.1. Oregon State University (“university”) is committed to creating and maintaining an equitable and inclusive working and learning environment free of discrimination and discriminatory harassment. In furtherance of that commitment, it of the university to prohibit discrimination and discriminatory harassment.

1.2. All individuals who are participating in university programs and activities, and all those who apply to participate in university programs and activities, have the right to do so fully, free from prohibited discrimination and discriminatory harassment. The university prohibits unlawful discrimination on the basis of age, race, color, religion, sex, sexual orientation, gender identity or expression, national origin, citizenship, marital or family status, pregnancy, disability, genetic information, protected veteran status / service in the uniformed service, or any other status protected by law or OSU policy (individually and collectively, including but not limited to: The

Equal Pay Act of 1963; The Civil Rights Act of 1964, as amended; Age Discrimination in Employment Act of 1967, as amended; Sections 503 and 504 of the

- 4.4. **Complainant:** A person alleging a violation of this policy or who is allegedly the victim of a person who is alleged to have violated this policy.
- 4.5. **Respondent:** A person who is alleged to have violated this policy.
- 4.6. **Protected status:** A legally protected category or characteristic of an individual or group of individuals. The university prohibits unlawful discrimination on the basis of these protected statuses: age, race, color, religion, sex, sexual orientation, gender identity or expression, national origin, citizenship, marital or family status, pregnancy, disability, genetic information, protected veteran status / service in the uniformed service, or any other status protected by law or OSU policy.
- 4.7. **Reasonable person:** An objective standard referring to a hypothetical reasonable person with a reasonable way of interpreting and reacting to a situation. A reasonable person is assumed to exercise average care, skill, and judgement.

5. Responsibilities & Procedures

5.1. General

- 5.1.1. The university shall respond promptly to all complaints of prohibited discrimination and discriminatory harassment, and shall take appropriate action to prevent, correct, and sanction conduct that violates this policy.
- 5.1.2. Alleged violations of this policy will be investigated by the Office of Equal Opportunity and Access ("EOA"). See *8. Related Information* below for additional information.
- 5.1.3. As determined by the Executive Director of EOA, the university reserves the right to initiate an investigation of any conduct prohibited by this policy without a formal report from or participation by the complainant.
- 5.1.4. The applicable evidentiary standard for all violations of this policy is preponderance of the evidence. That standard is met when the evidence shows that it is "more likely than not" that the alleged misconduct occurred.
- 5.1.5. Persons who are found to have violated this policy are subject to sanctions commensurate with the violation, up to and including termination of employment, expulsion from the university, and/or removal of privileges to participate in university programs and activities. Sanctions will be applied to stop further discrimination and discriminatory harassment, and to prevent future violations.

- a. If employee discipline is warranted, it shall be administered in a manner consistent with applicable collective bargaining agreements, university policies, and legal requirements.
 - b. If student discipline is warranted, it shall be administered in accordance with the Code of Student Conduct ("Code"). All sanctions listed in the Code are available as outcomes for student violations of this policy.
- 5.1.6. The university may impose an interim administrative suspension on a student/student organization or may impose an interim change in the employment arrangements of an employee, pending the completion of an investigation and resolution. Such interim administrative suspension or change in employment arrangements will be initiated in accordance with Student Conduct and Community Standards ("SCCS") or Employee and Labor Relations ("ELR") processes, as applicable, and in compliance with applicable law.
- 5.1.7. The Executive Director of EOA is responsible for implementation of and compliance with this policy. The Executive Director is responsible for publishing this policy, developing and conducting training, and establishing an administrative structure that facilitates the prevention, response to, mitigation of effects, and elimination of discrimination and discriminatory harassment consistent with this policy.
- 5.1.8. Complainants and respondents are not restricted from discussing or sharing information with others who may support or assist them during the process, nor are they prohibited from seeking resolution in court or with an applicable state or federal agency. However, reproduction of documents and/or disclosure of information contained in documents made available for review in the process is prohibited, and any breach of this restriction is subject to disciplinary action by ELR and/or SCCS, as appropriate. All parties are encouraged to exercise discretion in sharing information in order to safeguard the integrity of the process and to avoid retaliation or the appearance of retaliation. While discretion is encouraged, this policy should not be understood to limit the legal rights of the parties during or after resolution. All other conditions for disclosure are governed by applicable state and federal law.
- 5.2. Prohibited Conduct (b)(1) (TT81Tf1.52Tf.730TD-0003Tc(Prohibited)) (TT11Tf4.3n).30TT.m3

b. Denies

- d. U.S. Equal Employment Opportunity Commission, Seattle Office
Federal Office Building
909 First Avenue, Suite 400
Seattle, WA 98104 1061

10.1. eoa.oregonstate.edu/discrimination_concerns

11. Contacts

Department	Phone Number	Website
Equal Opportunity and Access	541 737 3556	eoa.oregonstate.edu
Report Discrimination or Discriminatory Harassment to:		
The Office of Equal Opportunity and Access 330 Snell Hall Corvallis, OR 97331		
Submit a report of alleged discrimination or discriminatory harassment electronically at: cm.maxient.com/reportingform.php?OregonStateUniv&layout_id=4		