



# Discrimination and Discriminatory Harassment

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**Responsible Executive:** Executive Director of the Office of Equal Opportunity and Access

**Responsible Office:** Equal Opportunity and Access

**Adopted:** July 19, 2022

**Last Revised:** August 1, 2024

## 1. Policy Statement

- 1.1. Oregon State University (“university”) is committed to creating and maintaining a safe, respectful, equitable, and inclusive working and learning environment. In furtherance of that commitment, the university does not unlawfully discriminate and prohibits unlawful discrimination and discriminatory harassment in any education program or activity that it operates, including in admission and employment, as required by state and federal laws.
- 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 and harassment on the basis of actual or perceived age, race, color, religion, sex, sexual orientation, gender identity or expression, national origin (including ancestry and ethnicity), citizenship, marital or family status, pregnancy or related conditions, disability, genetic information, protected veteran status/service in the uniformed service, or any other status protected by law or OSU policy (individually and collectively, “Protected Status”).<sup>1</sup> The university will promptly and effectively address any discrimination or discriminatory harassment it has knowledge of and take steps to prevent, remedy the impacts of, and stop conduct that violates this policy.

## 2. Reason for Policy

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<sup>1</sup> Sex discrimination and sex-based harassment, including sexual misconduct, are defined and addressed in University Policy 05-001 Sexual Misconduct and Sex Discrimination. Sex discrimination includes discrimination based on sex, sex stereotypes, sex characteristics, sexual orientation, gender identity or expression, or pregnancy or related conditions. Sexual misconduct includes sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse, intimate partner violence, stalking, and sexual exploitation. All complaints that include allegations of sexual/gender-based misconduct will be considered under Policy 05-001.

- 2.1. This policy is established in alignment with university values and in compliance with state and federal nondiscrimination/equal opportunity laws and implementing regulations, 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 Rehabilitation Act of 1973; Section 402 of the Vietnam Era Veterans Readjust Assistance Act (1974); Age Discrimination Act (1975); Pregnancy Discrimination Act (1978); Immigration Reform and Control Act of 1986; Americans with Disabilities Act of 1990; Civil Rights Act of 1991; Uniform Services Employment and Reemployment Act (1994); ADA Amendments Act of 2008; Genetic Information Nondiscrimination Act of 2008; and all other applicable state and federal civil rights laws.

### 3. Scope & Audience

- 3.1. This policy applies to all members of the university community, including, but not limited to: students, student organizations, employees, contractors, volunteers, and visitors; all applicants for university employment or for admission to educational or university-sponsored programs or activities; and all non-student and non-employee persons or groups participating in, attempting to participate in, or accessing university-sponsored programs, activities, or facilities.
- 3.2. The university reserves the right to respond, in conformance with university policy and applicable law, to conduct: that occurs on property owned, controlled, or used by the university; at university associated events; in online, extended, or distance learning environments; away from the university when the conduct could have the impact of limiting or denying any university community member's ability to participate in or benefit from a university program or activity; or when it creates a hostile work or educational environment.

### 4. Definitions

- 4.1. **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.
- 4.2. **Complaint:** An oral or written request made to the Office of Equal Opportunity and Access ("EOA") that objectively can be understood as a request for the university to investigate and make a determination, or resolve through an informal resolution, alleged sex discrimination, sexual misconduct, or retaliation.
- 4.3. **Employee:** All persons employed by the university, including, but not limited to, academic faculty, professional faculty, classified staff, temporary staff, law enforcement professionals, student employees, and graduate assistants.

- 4.4. **Party:** The complainant or respondent. When used in the plural, “parties” means the complainant and respondent collectively.
- 4.5. **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 actual or perceived protected statuses: age, race, color, religion, sex, sexual orientation, gender identity or expression, national origin (including ancestry and ethnicity), 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.
- 4.6. **Reasonable person:** An objective standard referring to an individual in similar circumstances and holding similar relevant identities with a reasonable way of interpreting and reacting to a situation. A reasonable person is assumed to exercise average care, skill, and judgement.
- 4.7. **Report:** Notice to or knowledge by EOA of an allegation or concern of sex discrimination, sexual misconduct, or retaliation.
- 4.8. **Respondent:** A person who is alleged to have violated this policy.
- 4.9. **Student:** An admitted person demonstrating acceptance of admission through participation in orientation programs or early start programs; a person who is enrolled or dually enrolled; a person enrolled online; a person between academic terms; a graduate awaiting a degree; a person on an approved educational leave; a person currently serving a suspension, including administrative suspension; a person who is not currently enrolled but can register without re-applying; a person who withdraws while a disciplinary matter, including an investigation, is pending; and, a person who is eligible to receive any of the rights and privileges afforded a person who is enrolled.
- 4.10. **Student Organization:** A recognized student organization or department student organization.

## 5. Responsibilities & Procedures

### 5.1. General

- 5.1.1. The university shall respond promptly, equitably, and effectively to all reports of prohibited discrimination and discriminatory harassment, and shall take appropriate action to prevent, remedy impacts of, and stop conduct that violates this policy.
- 5.1.2. To report information about conduct that may constitute discrimination or discriminatory harassment, contact the Office of Equal Opportunity and Access

(“EOA”). EOA’s contact and reporting information is included in Section 12 of this University Policy.

- 5.1.3. The university has adopted procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Executive Director of EOA. More information on the procedures used by EOA to investigate or otherwise resolve alleged violations of this policy can be found at: [eoa.oregonstate.edu/sexual-misconduct-and-discrimination](http://eoa.oregonstate.edu/sexual-misconduct-and-discrimination).
- 5.1.4. The university reserves the right to address offensive conduct and/or harassment that does not suggest a violation of this policy. Addressing such conduct will not result in an imposition of discipline but may be addressed through respectful conversation, remedial actions, education, and/or informal resolution.
- 5.1.5. As determined by the Executive Director of EOA, the university may initiate an investigation of any conduct prohibited by this policy without a formal complaint from or participation by the complainant.
- 5.1.6. The university will offer and coordinate supportive measures, as appropriate, for a complainant and/or respondent to restore or preserve that person’s access to the university’s education program or activity or provide support during an investigation or informal resolution process. Individuals do not need to engage in a university resolution process to receive supportive measures. Supportive measures are described within the Investigation and Resolution Process.
- 5.1.7. 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.
- 5.1.8. Persons who are found to have violated this policy are subject to sanctions commensurate with the violation, up to and including termination of employment, or expulsion from the university or removal of privileges to participate in university programs and activities, or both. 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.

- 5.1.9. 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 university processes, and in compliance with applicable law or collective bargaining agreement.
- 5.1.10. The Executive Director of EOA is responsible for the implementation of and compliance with this policy, including publishing this policy, developing and conducting training, monitoring for and correcting barriers to reporting, 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. The Executive Director of EOA acts with independence and authority, free from bias and conflicts of interest. The Executive Director of EOA oversees all resolutions under this policy and associated procedures. All employees involved in the resolution process are vetted and trained to ensure they are not biased for or against any party in a specific complaint, or for or against complainants or respondents, generally.
- 5.1.11. Complainants and respondents are not restricted from discussing or sharing information related to the complaint 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, parties and their advisors are prohibited from unauthorized reproduction of documents or disclosure of information made available for review in the university investigation and resolution process. Publicly disclosing university work product (*i.e.*, documents produced, compiled, or written for the purposes of a university investigation or resolution process) or a party's personally identifiable information without authorization or consent is a breach of this restriction and subject to disciplinary action in accordance to university processes. 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.
- 5.1.12. The university makes every effort to preserve parties' privacy. The university will not externally share the identity of any individual who has made a complaint, or the identities of any parties or witnesses, except as permitted by, or to fulfill the purposes, of applicable laws and regulations (*e.g.*, Title IX), Family Educational Rights and Privacy Act ("FERPA") and its implementing regulations, or as required by law, including any investigation or resolution proceeding arising under these policies and procedures.

5.1.13. In compliance with the Oregon Workplace Fairness Act, the university is required to notify employees that employees who pursue legal action against the university based on alleged unlawful employment practice prohibited by ORS 659A.030, 659A.082 or 659A.112 (unlawful discrimination or sexual assault) must do so no later than five (5) years after the occurrence of the alleged unlawful employment practice. The university may not require or coerce a former, current, or prospective employee to enter into a nondisclosure or nondisparagement agreement that has the purpose or effect of preventing the individual from disclosing or discussing conduct prohibited by ORS 659A.030, 659A.082 or 659A.112 (unlawful discrimination or sexual assault) when that conduct occurred between employees or between an employer and an employee in the workplace or at certain work-related events; or that occurred between an employer and an employee off the employment premises, except:

a. When an employee claiming to be aggrieved by unlawful conduct requests to enter into a settlement, separation, or severance agreement which contains a nondisclosure, nondisparagement, or “no-rehire” provision and will have seven calendar days to revoke the agreement; or

b. If an employer makes a good faith determination that an employee has engaged in conduct prohibited by ORS 659A.030, 659A.082, or 659A.112.

## 5.2. Prohibited Conduct

5.2.1. Discrimination. Conduct, either intentional or unintentional, based on a protected status that:

a. Excludes an individual from participation in any university program or activity for which they are otherwise eligible; or

b. Denies the individual the benefits of a university program or activity for which they are otherwise eligible; or

c. Otherwise adversely affects a term or condition of an individual’s employment, education, on-campus housing, or participation in a university program or activity.<sup>2</sup>

5.2.2. Discriminatory Harassment. Unwelcome conduct on the basis of a protected status that, based on the totality of the circumstances and regardless of intent, is subjectively and objectively offensive and sufficiently severe or pervasive that:

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<sup>2</sup> The failure to provide reasonable accommodations required by law or university policy based on disability, pregnancy or related condition, or religious practice may constitute discrimination.

- a. It creates an intimidating, hostile, or offensive environment in which to work, learn, or participate in a university program or activity; or,
- b. It unreasonably interferes with, limits, or denies the individual's academic pursuits, employment, or ability to participate in or benefit from a university program or activity.

## 6. Reporting and Resources

### 6.1. University Reporting

- 6.1.1. EOA documents any reports made to it that involve potential unlawful discrimination or discriminatory harassment. While there is no time limitation on providing a report to EOA, prompt reporting will better enable EOA to respond to the concern, determine the relevant issues, and provide an appropriate response or action. Individuals are encouraged to promptly report concerns to EOA or to otherwise document any incidents involving conduct that may constitute unlawful discrimination. To notify the university and initiate an investigation or resolution process regarding any prohibited conduct as defined by this policy, contact:

Equal Opportunity and Access  
2150 SW Jefferson Way, 330 Snell Hall  
Corvallis, OR 97331  
Phone: 541-737-3556  
Email: [Equal.Opportunity@oregonstate.edu](mailto:Equal.Opportunity@oregonstate.edu)  
Website: [eoa.oregonstate.edu](http://eoa.oregonstate.edu)

- 6.1.2. Even if a complainant chooses not to report formally or participate in an investigation or resolution process, the complainant can contact EOA for information and assistance accessing on or off campus support resources and for information on available assistance.
- 6.1.3. In the event an incident involves alleged discrimination or discriminatory harassment by the Executive Director of EOA, reports should be made directly to the university president or their designee (the current designee is the General Counsel, Office of the General Counsel, [Rebecca.Gose@oregonstate.edu](mailto:Rebecca.Gose@oregonstate.edu)).

### 6.2. Other Reporting Options

- 6.2.1. Anyone experiencing discrimination or discriminatory harassment also has the right to file a formal complaint with government authorities but should be aware that deadlines may apply.
  - a. U.S. Department of Education, Office for Civil Rights, Seattle Office

915 Second Avenue, Room 3310, Seattle, WA 98174-1099  
Telephone: 206-607-1600  
Telecommunications Device for the Deaf (TDD/TTY): 800-877-8339  
Email: [OCR.Seattle@ed.gov](mailto:OCR.Seattle@ed.gov)  
Website: [www2.ed.gov/about/offices/list/ocr/index.html](http://www2.ed.gov/about/offices/list/ocr/index.html)

- b. U.S. Department of Justice, Civil Rights Division  
950 Pennsylvania Avenue, NW, Washington, D.C. 20530  
Telephone: 202-514-3847  
Telecommunications Device for the Deaf (TDD/TTY): 202-514-0716  
Email: [education@usodj.gov](mailto:education@usodj.gov)  
Website: [civilrights.justice.gov](http://civilrights.justice.gov)
- c. Oregon Bureau of Labor and Industries, Civil Rights Division  
800 NE Oregon Street, Suite 1045, Portland, OR 97232  
Telephone: 971-673-0764  
Telecommunications Device for the Deaf (TDD/TTY): TTY Relay 711  
Email: [help@boli.state.or.us](mailto:help@boli.state.or.us)  
Website: [www.oregon.gov/BOLI](http://www.oregon.gov/BOLI)
- d. U.S. Equal Employment Opportunity Commission, Seattle Office  
Federal Office Building, 909 First Avenue, Suite 400, Seattle, WA 98104-1061  
Telephone: 1-800-669-4000  
Telecommunications Device for the Deaf (TDD/TTY): 1-800-669-6820  
Website: [www.eeoc.gov](http://www.eeoc.gov)

## 7. Forms & Tools

- 7.1. Equal Opportunity and Access Report Discrimination or Harassment form:  
[cm.maxient.com/reportingform.php?OregonStateUniv&layout\\_id=4](http://cm.maxient.com/reportingform.php?OregonStateUniv&layout_id=4)

## 8. Frequently Asked Questions

- 8.1. Frequently asked questions: <https://eoa.oregonstate.edu/faqs>

## 9. Related Information

- 9.1. Reporting and complaint process: [eoa.oregonstate.edu/discrimination-concerns](http://eoa.oregonstate.edu/discrimination-concerns).
- 9.2. University Policy 05-001 *Sexual Misconduct and Sex Discrimination*:  
[https://policy.oregonstate.edu/UPSM/05-001\\_sexual\\_misconduct\\_discrimination](https://policy.oregonstate.edu/UPSM/05-001_sexual_misconduct_discrimination)

- 9.3. Student Conduct & Community Standards, *Code of Student Conduct*:  
[studentlife.oregonstate.edu/pre-student-conduct-community-standards](http://studentlife.oregonstate.edu/pre-student-conduct-community-standards)

## 10. History

- 10.1. Adopted: July 1, 2014 as University Policies 580-015 *Nondiscrimination* and 580-022-0050 *Employment Discrimination, Faculty* from Oregon Administrative Rule 580-015 *et seq.* and 580-022-0050.
- 10.2. Revised: University Policies 580-015 *Nondiscrimination* and 580-022-0050 *Employment Discrimination, Faculty* were amended, consolidated and renumbered as University Policy 04-100 *Discrimination and Discriminatory Harassment* on July 19, 2022.
- 10.3. Revised: University Policy 04-100 *Discrimination and Discriminatory Harassment* was amended on August 1, 2024.
- 10.4. Next scheduled review date: August 2025.

## 11. Website

- 11.1. University Policy 04-100 *Discrimination and Discriminatory Harassment*:  
[policy.oregonstate.edu/policy/discrimination-and-discriminatory-harassment](http://policy.oregonstate.edu/policy/discrimination-and-discriminatory-harassment)

## 12. Contacts

Equal Opportunity and Access  
541-737-3556  
[eoa.oregonstate.edu](http://eoa.oregonstate.edu)

**Report Discrimination or Discriminatory Harassment to:**

The Office of Equal Opportunity and Access (EOA)  
2150 SW Jefferson Way, 330 Snell Hall  
Corvallis, OR 97331  
Email: [equal.opportunity@oregonstate.edu](mailto:equal.opportunity@oregonstate.edu)

Report Discrimination or Discriminatory Harassment electronically at: [eoa.oregonstate.edu](http://eoa.oregonstate.edu)