



UNIVERSITY OF OREGON

Office of Affirmative Action and Equal Opportunity

AN OVERVIEW OF SERVICES AND COMPLAINT AND GRIEVANCE PROCEDURES

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This booklet is available
in alternate formats by contacting
the Office of Affirmative Action
and Equal Opportunity
at 541-346-3123.

SECTION ONE		
INTRODUCTION TO THE OAAEO		2–4
SECTION TWO		
OAAEO CONSTITUENTS		5–6
SECTION THREE		
FACULTY MEMBERS, DIRECTORS, AND SUPERVISORS: RESPONSIBILITY AND ASSISTANCE		7–8
SECTION FOUR		
DEFINITIONS RELATED TO DISCRIMINATION		9–12
SECTION FIVE		
INFORMAL DISCRIMINATION AND CONFLICT RESOLUTION OPTIONS		13–16
Employees		
Students		
SECTION SIX		
FORMAL GRIEVANCE OPTIONS		17–20
Officers of Instruction, Administration, and Research		
Classified or Represented Employees		
Students		
General Public		
SECTION SEVEN		
AMERICANS WITH DISABILITIES ACT		21
SECTION EIGHT		
RELIGIOUS ACCOMMODATION		22
SECTION NINE		
FORMAL GRIEVANCE DEADLINES		23–24
SECTION TEN		
RESOURCES		25–29



INTRODUCTION TO THE OAAEO

The mission of the Office of Affirmative Action and Equal Opportunity (OAAEO) is to work with all members of the University of Oregon community to ensure that the university is meeting the letter and spirit of its legal obligations related to affirmative action, equal opportunity, and nondiscrimination, and to support the university's commitment to diversity.

The OAAEO mission supports the University of Oregon mission, which includes “a dedication to the principles of equality of opportunity and freedom from unfair discrimination for all members of the university community and an acceptance of true diversity as an affirmation of individual identity within a welcoming environment.”

SPECIFIC RESPONSIBILITIES OF THE OAAEO

- Serve as a resource to the campus community with respect to issues of affirmative action, equal opportunity, and prohibited discrimination
- Serve as the discrimination grievance counselor for all members of the campus community with concerns about prohibited discrimination
- Serve as the office of record for student complaints of prohibited discrimination or harassment
- Maintain a current and compliant affirmative action plan and promote campus understanding of affirmative action obligations
- Serve as a resource and monitor unclassified searches for compliance with affirmative action and equal opportunity obligations
- Coordinate the employment provisions of the Americans with Disabilities Act and address complaints from members of the public regarding access
- Serve as a resource for addressing informal grievances, interpersonal disputes, and organizational conflict or change

UO POLICY STATEMENT ON EQUAL OPPORTUNITY

The University of Oregon affirms and actively promotes the right of all individuals to equal opportunity in education and employment at this institution without regard to race, color, sex, national origin, age, religion, marital status, disability, veteran status, sexual orientation, gender identity, gender expression, or any other consideration not directly and substantively related to effective performance. This policy implements all applicable federal, state, and local laws, regulations, and executive orders.

AFFIRMATIVE ACTION IN EMPLOYMENT

Affirmative action is a process required of federal contractors to ensure equal employment opportunity. It requires a good-faith effort to achieve and maintain a work force in which women and people of color are represented at a level commensurate with their availability in the labor pool from which the employer can reasonably be expected to recruit.

Affirmative action also applies to individuals with disabilities and covered veterans with a focus on ensuring equal opportunity in connection with all aspects of employment.

EQUAL OPPORTUNITY

Equal opportunity requires that the university consider applicants for employment or admission, and afford UO employees and students all the rights and privileges connected with university employment and educational programs, without regard to race, color, sex, national origin, age, religion, marital status, disability, veteran status, sexual orientation, gender identity, gender expression, or any other extraneous consideration not directly and substantively related to effective performance.

OAAEO CONSTITUENTS

The OAAEO serves all members of the UO community. Constituent groups and circumstances under which they should contact the OAAEO are addressed below.

OFFICERS OF INSTRUCTION, ADMINISTRATION, AND RESEARCH

Includes faculty members (both tenure and nontenure related), supervisors, administrators, professionals, and researchers. Contact OAAEO if you:

- receive or are aware of information about alleged harassment or discrimination involving UO students or employees;
- are seeking information or consultation about how to best address a difficult situation involving possible discrimination or conflict;
- are considering filing a complaint on your own behalf;
- are seeking resources related to group or interpersonal conflict;
- need information about the Americans with Disabilities Act eligibility and reasonable accommodation process.



CLASSIFIED AND OTHER REPRESENTED EMPLOYEES

Includes employees represented by a collective bargaining unit such as the Service Employees International Union, Teamsters Local Union 206, or Graduate Teaching Fellows Federation. Contact OAAEO if you

- are seeking information or consultation about how to best address a difficult situation involving possible discrimination or conflict
- are considering filing a complaint on your own behalf
- are seeking resources related to group or interpersonal conflict
- need information about the Americans with Disabilities Act eligibility and reasonable accommodation process

Students

Includes students interested in exploring options related to prohibited discrimination or harassment or considering filing a complaint on their own behalf. Note: The Accessible Education Center is responsible for working with students with disabilities.

Members of the Public

Includes members of the public who believe they have experienced prohibited discrimination. Contact OAAEO for

- informal and formal assistance with disability discrimination concerns
- informal assistance with other discrimination concerns

FACULTY MEMBERS, DIRECTORS, AND SUPERVISORS: RESPONSIBILITY AND ASSISTANCE

RESPONSIBILITY RELATED TO ALLEGED DISCRIMINATION OR HARASSMENT

As a faculty member, director, supervisor, or anyone else responsible for the functioning of a classroom, lab, office, or other organizational unit, you are considered an agent of the university. As such, when you become aware of incidents that might constitute discrimination or discriminatory harassment, you must report that behavior either to your supervisor or to the OAAEO so that the university can take the steps necessary to address the behavior.





AVAILABLE ASSISTANCE

OAAEO staff members are available to offer information, guidance, and consultation for faculty members, directors, and supervisors who may be on notice regarding a possible discrimination concern or disruptive behavior.

We can help you

- identify ways to create a welcoming and respectful environment and thereby minimize the potential for behavior that could be perceived as discriminatory
- determine possible next steps to address behavior that could constitute discrimination or harassment
- determine possible next steps to address problematic behavior that does not constitute discrimination or harassment

Other available resources include your supervisor and offices listed in section 10.



DEFINITIONS RELATED TO DISCRIMINATION

DISCRIMINATION

This is any act that unreasonably discriminates among individuals on the basis of race, color, gender, national origin, age, religion, marital status, disability, veteran status, sexual orientation, gender identity, gender expression, or any other extraneous considerations not directly and substantively related to performance.

DISCRIMINATORY HARASSMENT

This is conduct that unreasonably discriminates among individuals on the basis of race, color, gender, national origin, age, religion, marital status, disability, veteran status, sexual orientation, gender identity, or gender expression, and that is sufficiently severe or pervasive that it interferes with work or academic performance. Discriminatory harassment includes sexual and racial harassment.

RACIAL HARASSMENT

This is conduct that disparages, ridicules, or is physically abusive of a person based on that person's race.

SEXUAL HARASSMENT

With respect to behavior by UO employees directed toward UO students, sexual harassment is defined as follows:

Any sexual advance, any request for sexual favors, or other verbal or physical conduct of a sexual nature by a UO employee when (a) submission to such advances, requests, or conduct is made either explicitly or implicitly a term or condition of a student's employment or academic experience; or (b) submission to or rejection of such advances, requests, or conduct by a student is used as a basis or condition for employment or academic decisions affecting the student; or (c) such conduct interferes with the work or academic performance of a student because it has created an intimidating, hostile, or offensive working or academic environment for the student who is the object of the conduct and a reasonable person of that student's gender would have been affected similarly to the student.

—OAR 580-015-0010(2)



In all other situations, specifically with respect to issues in connection with nonstudent employment, sexual harassment is defined as follows:

Any sexual advance, any request for sexual favors, or other verbal or physical conduct of a sexual nature when (a) submission to such advances, requests, or conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic experience; or (b) submission to or rejection of such advances, requests, or conduct by an individual is used as a basis or condition for employment or academic decisions affecting such individual; or (c) such conduct *is unwelcome and sufficiently severe or pervasive that it* interferes with work or academic performance because it has created an intimidating, hostile, or offensive working or academic environment for the individual who is the object of such conduct, and where the conduct would have such an effect on a reasonable person of that person's gender.

—OAR 571-003-0025(1)(e)

Text shown in italics constitutes the difference between the two definitions.

CONFLICT OF INTEREST

Sexual or Romantic Relationships with Students

University regulations state that it may be a conflict of interest for a faculty or staff member to be involved in a sexual or romantic relationship with a student over whom he or she has evaluative or other authority. Such conflicts may arise in either the instructional or employment setting. Should such a relationship arise, the faculty or staff member must make an appropriate arrangement to remove or substantially mitigate the conflict of interest. Possible appropriate arrangements and potential sanctions for failure to make such arrangements are described in the Oregon Administrative Rules (see page 27).

RETALIATION

Retaliation against an individual in response to raising discrimination concerns or participating in the investigation of a discrimination complaint is prohibited by law and university policy. A claim that a detrimental action is retaliatory is established by evidence that (1) the complaining party participated in any manner in a discrimination grievance or investigation; (2) a detrimental action occurred; and (3) there was a causal connection between participation in the grievance or investigation and the detrimental action.

INFORMAL DISCRIMINATION AND CONFLICT RESOLUTION OPTIONS

EMPLOYEES

Employees may pursue an informal complaint process as an effective way to address possible discrimination or discriminatory harassment. This process may be used when a complainant prefers a less adversarial process that allows for direct communication with the parties involved or focuses on steps to educate the respondent about the problems associated with their alleged behavior. The outcome of an informal complaint can often address the unique interests of the complainant in ways that the formal grievance process cannot.

Complainants who choose an informal process retain the option of filing a formal grievance if they are not satisfied with the progress or outcome of the informal complaint process, so long as the formal grievance is filed by the applicable deadline.



The OAAEO offers the following two categories of informal resolution process:

Alleged Discrimination

Facilitation of informal resolution of complaints involving allegations of discrimination or discriminatory harassment. This may include one-on-one consultation, facilitated conversations, or follow-up by an OAAEO staff member to clarify appropriate behavior for respondents or groups.

Workplace Conflicts

Facilitation of processes that assist represented and unrepresented employees in effectively navigating workplace and organizational challenges and conflict. This may include one-on-one consultation, facilitated conversations, or group facilitation.

CONSULTATION

When university employees are navigating difficult situations related to their university responsibilities, OAAEO offers opportunities for one-on-one consultation. This can take the form of guidance, information, problem-solving, or resource referral that relates to grievance or complaint processes, organizational issues, or conflict.

FACILITATED CONVERSATION

Facilitated conversations can be useful when a complainant is interested in meeting with a respondent to address alleged discrimination, or when interpersonal conflict interferes with job performance, communication, or job satisfaction. In this process, the individuals involved meet together with the assistance of a professional facilitator who helps the participants communicate with each other about the issues related to the situation. Facilitated conversations are voluntary and the participants retain control over the outcome.

GROUP FACILITATION

Utilizing a group facilitator can be useful when a group is working through a difficult issue, making an important decision, addressing inter-group conflict or participating in a staff or faculty retreat. The facilitator will work with the group before the facilitation to identify the goals of and desired outcomes for the group, and will then assist the group in reaching its goals. Using a facilitator increases the likelihood that the process will result in high-quality decisions that the group understands and supports.



STUDENTS

Like employees, students may pursue an informal complaint process as an effective way to address possible discrimination or discriminatory harassment.

Students wishing to pursue an informal complaint not involving discrimination or harassment should contact the Office of the Dean of Students at 541-346-3216.

FORMAL GRIEVANCE OPTIONS

The specific time frames by which formal grievances must be filed are outlined on pages 23–24.

OFFICERS OF INSTRUCTION, ADMINISTRATION, AND RESEARCH

Faculty members (officers of instruction and research) and officers of administration who want to file a formal discrimination grievance are encouraged to contact the OAAEO for guidance. Officers of instruction, research, and administration must use the faculty or other appropriate grievance process. The faculty grievance process is addressed in the Oregon Administrative Rules (see page 27).

CLASSIFIED OR REPRESENTED EMPLOYEES

The collective bargaining agreements for members of recognized collective bargaining units include formal grievance procedures for addressing employment-related concerns, including issues of possible discrimination. Classified or represented employees are encouraged to meet with the OAAEO for guidance as to their complaint resolution options. A represented employee who wants to file a formal discrimination grievance generally must do so through the union, with the exception noted below for employees represented by the SEIU. Please see hr.uoregon.edu/er for the full text of labor agreements.

Service Employees International Union (SEIU) Local 503, OPEU

For members of SEIU, the grievance procedure is outlined in Article 18 and the nondiscrimination policy is outlined in Article 19 of the 2009–11 agreement. Complaints alleging prohibited discrimination may be directed to OAAEO or presented as a step-two grievance per the collective bargaining agreement.

Teamsters Local Union 206 (formerly GCIU Local 116-C)

For members of the Teamsters Local Union 206, the grievance procedure is outlined in Article 29 and the nondiscrimination policy is outlined in Article 6 of the 2007–10 agreement.

Graduate Teaching Fellows Federation (GTFF), American Federation of Teachers Local 3544, AFL/CIO

For members of the GTFF, the grievance procedure is outlined in Article 13 and the nondiscrimination policy is outlined in Article 8 of the 2008–10 agreement. If the incident giving rise to a discrimination allegation occurred in a context outside of the assigned duties as a GTF, the student complaint procedures and timelines apply.

STUDENTS

Students who want to explore formal discrimination grievance options should contact the OAAEO. The OAAEO will review the student's concerns to determine what options are available.

The following is a brief summary of the OAAEO formal discrimination complaint process for student discrimination complaints:

- The complainant, respondent(s), and relevant witnesses are interviewed
- Relevant documentation is collected
- A fact-based report is submitted to the Affirmative Action Administrative Council (AAAC), composed of university administrators and one or more faculty members
- AAAC reviews the report and makes a recommendation to the university president about whether it is more likely than not that discrimination occurred
- The president makes the final decision as to whether the facts support a finding of discrimination
- The complainant and respondent are informed of the outcome of the investigation. Students may request a hearing on the final decision from the chancellor of the Oregon University System.

Any student who wants to file a formal grievance against another student (as opposed to a faculty or staff member) must do so in compliance with the university's Student Conduct Code. For more information, please contact the Office of Student Conduct and Community Standards, 164 Oregon Hall, 541-346-1140.

The student grievance process can be found in the Oregon Administrative Rules (see page 27).

GENERAL PUBLIC

Members of the public alleging discrimination based on disability may file a formal grievance with the OAAEO under the appropriate Oregon Administrative Rule (see pages 23–24). Applicants for admission or employment at the university and those attending or wishing to attend university-sponsored events and events on university property are included in the definition of members of the public who may file such grievances.

CONFIDENTIALITY

Whenever possible, OAAEO will maintain confidentiality for those utilizing our services. There are, however, situations that require the involvement of others in order to carry out a thorough and responsible process. Situations in which the allegations, if true, raise concerns about the health or safety of members of the university community require that the OAAEO take appropriate steps to prevent harm.



AMERICANS WITH DISABILITIES ACT

The OAAEO coordinates compliance with the accessibility provisions of the Americans with Disabilities Act (ADA) for members of the public and coordinates compliance with the employment provisions of the ADA by assisting with employee requests for reasonable accommodations.

Reasonable accommodations must be coordinated through OAAEO in order to ensure compliance with the ADA and consistency within university practice.

If you are an employee of the university or member of the public and would like to discuss reasonable accommodations or the ADA eligibility process, contact the OAAEO at 541-346-3123 or visit aeo.uoregon.edu.

If you are a student and would like to discuss reasonable accommodation as it relates to any aspect of your student experience (classes, residence hall or food service issues, student services, and so forth), contact the Accessible Education Center at 541-346-1155.

RELIGIOUS ACCOMMODATION

EMPLOYEES

Title VII of the Civil Rights Act of 1964 requires employers to reasonably accommodate employees' sincerely held religious practices unless doing so would impose an undue hardship on the employer. If you or someone you supervise explicitly or implicitly indicates a need for reasonable accommodation for religious reasons, contact the OAAEO for guidance before taking any steps.

STUDENTS

Oregon Administrative Rules state that "any student who, because of religious beliefs, is unable to attend classes on a particular day shall be excused from attendance requirements and from any examination or other assignment on that day. The student shall make up the examination or other assignment missed because of the absence." Should a student need additional or other reasonable accommodation related to his or her sincerely held religious practices, the student or instructor should contact the OAAEO for guidance.



FORMAL GRIEVANCE DEADLINES

Disclaimer: This table is intended to provide a snapshot of deadlines associated with complaint options. It should not take the place of reading the relevant procedures.

Formal Discrimination or Discriminatory Harassment Grievance

Complainant: Student

Respondent: Faculty or staff member

Grievance process: Student Grievance Procedure

Where to file: OAAEO

Deadline:

Discrimination—Within 180 calendar days

Discriminatory harassment—Within 365 calendar days

Complainant: Represented staff member

Respondent: Faculty or staff member

Grievance process: Collective Bargaining Grievance Procedure

Where to file: Appropriate union

Deadline:

SEIU—Within thirty calendar days

Local Union 206—Within twenty working days

GTFF discrimination—Within thirty working days

(Seventy-five days if union or university is the grievant)

GTFF discriminatory harassment—Within 365 calendar days

Complainant: Unrepresented staff members

Respondent: Faculty or staff member

Grievance process: Faculty Grievance Procedure

Where to file: Respondent supervisor

Deadline:

Discrimination—Within 180 calendar days

Discriminatory harassment—Within 365 calendar days



Conflict of Interest

Complainant: Student directly involved

Respondent: Faculty or staff member

Where to file: OAAEO

Deadline: Within 365 days of end of supervisory or evaluative relationship

Complainant: Third party

Respondent: Faculty or staff member

Where to file: OAAEO

Deadline: Within thirty days of end of supervisory or evaluative relationship

Complaint against a Student

Complainant: Student or faculty or staff member

Respondent: Student

Grievance process: Student Conduct Code

Where to file: Office of Student Conduct and Community Standards

Deadline: See Student Conduct Code



RESOURCES

CAMPUS

Bias Response Team

164 Oregon Hall
541-346-1139

Counseling Center

210 University Health, Counseling, and Testing Center
541-346-3227

Diversity Education and Support

164 Oregon Hall
541-346-1139

Office of Institutional Equity and Diversity

1 Johnson Hall
541-346-2084

Lesbian, Gay, Bisexual, and Transgender Education and Support Services

164 Oregon Hall
541-346-1134

Office of the Dean of Students

164 Oregon Hall
541-346-3216

Office of Multicultural Academic Success

164 Oregon Hall
541-346-3479

Student Advocacy

334 Erb Memorial Union
541-346-3722

Student Conduct and Community Standards

164 Oregon Hall
541-346-1141

UNIONS**Graduate Teaching Fellows Federation (GTFF)**

870 E. 13th Avenue
Eugene, Oregon 97401-3742
541-344-0832

Teamsters Local Union 206 (formerly GCIU)

Contact union representative in Printing and Mailing
Services, 541-346-3794

**Service Employees International Union
(SEIU Local 503, OPEU)**

488 E. 11th Avenue, Suite B-100
Eugene, Oregon 97401-3601
541-342-1055

POLICY

- Prohibited Discrimination, Discriminatory Harassment, and Sexual Harassment
 - OAR 571-003-0025
- Student Grievance Procedures (nondiscrimination)
 - OAR 571-003-0100
- Conflicts of Interests and Abuses of Power
 - OAR 571-004-0007
- Faculty Formal Grievance Procedure
 - OAR 571-003-0000
- Visit arcweb.sos.state.or.us/banners/rules.htm for all OARs

- Articles 19 and 18 Nondiscrimination and Grievances
 - SEIU Agreement (2009–11)
- Articles 6 and 29 Nondiscrimination and Grievances
 - Teamsters Local Union 206 Agreement (2007–10)
- Articles 8 and 13 Nondiscrimination and Grievances
 - GTFF Agreement (2008–10)
- Visit hr.uoregon.edu/er for more information



OTHER

Members of the university community have the legal right to pursue their grievances through outside channels. For students, the primary avenue is the United States Department of Education Office for Civil Rights. For employees, the primary avenues are the State of Oregon Bureau of Labor and Industries, the U.S. Equal Employment Opportunity Commission, or both.

Individuals interested in filing a complaint with one of these agencies should contact the agency directly regarding filing deadlines and processes.

U.S. Department of Education, Western Region

Office for Civil Rights

915 Second Avenue, Room 3310

Seattle, Washington 98174-1099

206-220-7900

TTY: 877-521-2172

Fax: 206-220-7887

www.ed.gov

U.S. Department of Health and Human Services

Office for Civil Rights

2201 Sixth Avenue

MIS: RXII

Seattle, Washington 98121-1831

206-615-2290

800-537-7697

TTY: 206-615-2296

www.hhs.gov/ocr/office

Oregon Bureau of Labor and Industries

1400 Executive Parkway, Suite 200

Eugene, Oregon 97401-7013

541-686-7623

oregon.gov/BOLI

U.S. Equal Employment Opportunity Commission

Federal Office Building

909 First Avenue, Suite 400

Seattle, Washington 98104-1061

206-220-6883

800-669-4000

Fax: 206-220-6911

eeoc.gov

If a grievant chooses to file a complaint with an outside agency before or during an internal investigation, the university has the option of discontinuing the internal investigation.

A grievant, whether faculty or staff member or student, always has the right to consult with a private attorney at his or her own expense. An attorney can offer important legal advice about filing deadlines or other issues necessary to protect a person's legal rights.

Under Oregon law, any person intending to file a discrimination lawsuit against a public agency, including the university, must file a notice of intent to sue within 180 days of when the person knew or should have known of the alleged discriminatory act and file a lawsuit within two years of when the person knew or should have known of the alleged discriminatory act. (Oregon Revised Statutes 30.275)

