Office of
Affirmative Action
and Equal Opportunity

AN OVERVIEW OF SERVICES AND
COMPLAINT AND GRIEVANCE
PROCEDURES

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541-346-3123
aaeo.uoregon.edu
This booklet is available in alternate formats by contacting the Office of Affirmative Action and Equal Opportunity at 541-346-3123.
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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 or discriminatory harassment, including sexual harassment
- Serve as the office of record for student complaints of prohibited discrimination or discriminatory harassment, including sexual 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 to UO programs and services
- 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.

Note: University policy provides that all university employees with credible evidence that any form of prohibited discrimination is occurring have a responsibility to inform their supervisors or the Office of Affirmative Action and Equal Opportunity.
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 discrimination, or discriminatory harassment, including sexual harassment, involving UO students or employees;
- are seeking information or consultation about how to best address a situation involving possible discrimination, discriminatory harassment, including sexual harassment, or other 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;
- need information about accommodating a student or employee request for accommodation of their religious beliefs.
EMPLOYEES REPRESENTED
BY A UNION

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

Contact OAAEO if you:
- are seeking information or consultation about how to best address a situation involving possible discrimination, discriminatory harassment, including sexual harassment, or other 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;
- need information regarding accommodation of your religious beliefs.

The UO and United Academics are in the process of negotiating a collective bargaining agreement. The agreement was not finalized at time of printing.

Students

Includes students (whether undergraduate, graduate, professional (law), or non-degree seeking) interested in exploring options related to prohibited discrimination or harassment, including sexual harassment, or considering filing a complaint on their own behalf.

Note: The Accessible Education Center is responsible for working with students with disabilities.
Students Employed as Graduate Teaching Fellows

GTFs are both students and employees. GTFs seeking information about how to address a situation involving possible discrimination, discriminatory harassment, including sexual harassment, or conflict in their role as a teaching fellow, research fellow or administrative fellow should read the section in this booklet aimed at “Classified or Represented Employees”, where specified, as well as the section aimed at “Employees” in general.

GTFs seeking information related to possible discrimination, discriminatory harassment, including sexual harassment, or conflict as it affects their academic role, that is their role as a graduate student, should read information aimed at “Students” throughout this booklet.

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 DISCRIMINATORY HARASSMENT, INCLUDING SEXUAL 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 and work with the appropriate university authorities in taking 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 discriminatory harassment, including sexual 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. **Sexual violence, including sexual assault, intimate partner violence, and stalking, is a form of sexual harassment.**
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. In light of the possible conflict, university policy provides that “No faculty member should initiate or acquiesce in a sexual or romantic relationship with a student who is enrolled in a course being taught by the faculty member or whose academic work (including work as a teaching assistant) is supervised or evaluated by the faculty member.” 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).

RETIALLATION

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.
Employees may pursue an informal complaint process as an effective way to address possible discrimination or discriminatory harassment, including sexual 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 and Discriminatory Harassment, Including Sexual Harassment**

Facilitation of informal resolution of complaints involving allegations of discrimination or discriminatory harassment, including sexual 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 discriminatory harassment, including sexual harassment, 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, including sexual harassment.

Students wishing to pursue an informal complaint not involving discrimination or discriminatory 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).

EMPLOYEES REPRESENTED BY A UNION, INCLUDING GRADUATE TEACHING FELLOWS

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 or discriminatory harassment, including sexual harassment. 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 current agreement. Complaints alleging prohibited discrimination may be directed to OAAEO or presented as a step-two grievance per the collective bargaining 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 current 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.

Teamsters Local Union 206

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 current agreement.

United Academics

The University of Oregon and United Academics are in the process of negotiating a contract that will establish the basis for any future labor agreements with faculty members, both tenure-related and non-tenure-related, represented by United Academics. The agreement was not finalized at time of printing. Provisions of that contract and any future labor agreements will be incorporated when the contract has been finalized.
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. Students employed as Graduate Teaching Fellows should also see page 17, “Employees Represented by a Union, Including Graduate Teaching Fellows.”

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**

The OAAEO respects the privacy of individuals using our services. The OAAEO maintains confidentiality with respect to matters brought to its attention consistent with its obligations under state and federal law. 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 or suggest that discrimination or discriminatory harassment, including sexual harassment, is occurring or has occurred, require that the OAAEO take appropriate steps to prevent harm or stop inappropriate behavior.
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 aaeo.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:
GTFF discrimination—Within thirty working days (Seventy-five days if union or university is the grievant)
GTFF discriminatory harassment—Within 365 calendar days
SEIU—Within thirty calendar days
Teamsters Local Union 206—Within twenty working 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
541-346-2037

Center for Multicultural Academic Excellence
164 and 465 Oregon Hall
541-346-3479

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

Diversity Education and Support
164 Oregon Hall
541-346-1139

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 Equity and Inclusion
1 Johnson Hall
541-346-3175

Student Advocacy
334 Erb Memorial Union
541-346-3722

Student Conduct and Community Standards
164 Oregon Hall
541-346-1140

UNIONS

Graduate Teaching Fellows Federation (GTFF)
870 E. 13th Avenue
Eugene, Oregon 97401-3742
541-344-0832

Service Employees International Union
(SEIU Local 503, OPEU)
488 E. 11th Avenue, Suite B-100
Eugene, Oregon 97401-2419
541-342-1055

Teamsters Local Union 206 (formerly GCIU)
Contact union representative in Printing and Mailing Services, 541-346-3794
POLICY

- Articles 8 and 13 Nondiscrimination and Grievances
  - GTFF Agreement (2008–10)
- 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)

Visit hr.uoregon.edu/er for more information

- Conflicts of Interests and Abuses of Power
  - OAR 571-004-0007
- Faculty Formal Grievance Procedure
  - OAR 571-003-0000
- Prohibited Discrimination, Discriminatory Harassment, and Sexual Harassment
  - OAR 571-003-0025
- Student Grievance Procedures (nondiscrimination)
  - OAR 571-003-0100

Visit arcweb.sos.state.or.us/banners/rules.htm for all OARs
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
Central Building 810 3rd Avenue, Suite 750
Seattle, Washington 98104-1627
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
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 member, 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).

Oregon Bureau of Labor and Industries
1400 Executive Parkway, Suite 200
Eugene, Oregon 97401-7013
541-686-7654
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