

**Policy Number:** 03-05-050

**Policy Title:** EQUAL OPPORTUNITY COMPLAINTS

**Effective Date:** November 10, 2014

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1. **General**

- A. In accordance with the Affirmative Action and Equal Opportunity program of OHSU and Title IX of the Education Amendments of 1972, the procedures that follow are established to provide an opportunity to request and receive consideration of any complaints relating to services and/or terms and conditions of employment or education that are believed to be the result of prohibited discrimination, harassment, and/or retaliation.
- B. The procedures described below are applicable to applicants, employees, patients, students, trainees, and volunteers for educational programs, employment or services, and others who believe that they have been the victim of prohibited discrimination or harassment on the basis of age, color, disability, gender, gender identity or expression, marital status, military status, national origin, race, religion, sex, sexual orientation, or any other status protected by law. These procedures are promulgated for their accessibility, simplicity, speed, and high standards of fairness in seeking redress of perceived discrimination, harassment, and retaliation; and are established to provide prompt, equitable, and effective resolution for complaints. The Affirmative Action and Equal Opportunity (AAEO) Department, Title IX Coordinator, and/or Human Resources may provide assistance to any person at any point in the process.
- C. Persons who make use of these procedures are entitled to a fair and impartial investigation without fear of harassment or retaliation. Retaliation of any kind taken against anyone as a result of a person having used or attempting to use these procedures, cooperating in an investigation, or participating in any manner in any activity under these procedures is prohibited and shall be regarded as a separate and distinct matter.
- D. These complaint procedures are intended to fulfill the requirements of Title IX of the Education Amendments of 1972, 34 CFR Part 106, 41 CFR Part 60, and any other applicable federal or state law(s), regulations, or policies concerning prohibited discrimination, harassment, and/or retaliation on the basis of a protected status. The complaint procedures are also meant to fulfill institutional mechanisms for the resolution of Equal Opportunity and Title IX complaints, and to provide a procedure for non-disciplinary personnel decisions in matters of discrimination, harassment, and retaliation.

2. **Definitions**

**“Complainant”**: The individual who raises concerns about prohibited discrimination, harassment, or retaliation.

**“Complaint”**: The informal or formal concern alleging prohibited discrimination, harassment, or retaliation.

**“Harassment”**: See definition in OHSU Policy 03-05-032, Harassment.

**“Human Resources”**: A responsible Human Resources employee for the unit where the Complainant and/or Respondent work.

**“Respondent”**: The individual accused of engaging in prohibited discrimination, harassment, or retaliation.

**“Sexual Harassment”**: See definition in OHSU Policy 03-05-035, Sexual Harassment.

**“Title IX”**: The federal law prohibiting discrimination on the basis of sex or gender in any education program, employment, admissions, or activity operated by a recipient of federal financial assistance, such as OHSU. Discrimination on the basis of sex or gender includes (but is not limited to) gender-based harassment, sexual harassment, sexual misconduct, sexual violence, and retaliation relating to complaints of sex or gender discrimination.

**“Title IX Coordinator”**: The Director of the AAEO Department and the person responsible for implementing OHSU’s Title IX policy and procedures.

### 3. **Reporting a Complaint**

OHSU encourages individuals who believe they have experienced or witnessed discrimination, harassment, and/or retaliation to come forward promptly. At times, such concerns can be resolved directly with the person engaging in the behavior. When such resolution is not possible or appropriate, concerns should be brought to:

- A. The supervisor or department head most directly concerned; or
- B. Any academic or administrative official of OHSU including but not limited to the President, a Vice President, Chief Diversity Officer, Legal Counsel, the Provost or a Vice Provost, a Dean, a Chair, a Director, a Manager or Supervisor; or
- C. The Affirmative Action and Equal Opportunity (AAEO) Department; or
- D. Title IX Coordinator; or
- E. Human Resources; or
- F. The Integrity Office; or
- G. The Office of Academic Affairs; or
- H. The Department of Patient Relations; or
- I. The Department of Public Safety.

Any person who receives a complaint shall promptly notify the AAEO Department, Title IX Coordinator, or Human Resources of the complaint.

The AAEO Department and Title IX Coordinator have primary responsibility for investigating and resolving reports of discrimination, harassment, and retaliation lodged by applicants for educational programs, patients, students, volunteers, and others. The AAEO Department, Title IX Coordinator, and Human Resources have primary responsibility for complaints lodged by employees and employment applicants.

4. **Complaint Procedures**

A. **AAEO Department's Authority**

The AAEO Department has the responsibility to adopt and amend complaint procedures as appropriate and necessary for execution of this policy.

All complaints of prohibited discrimination, harassment, and retaliation will be processed in accord with complaint procedures adopted and implemented by the AAEO Department. Such procedures can be found on the AAEO Department website ([www.ohsu.edu/aaeo](http://www.ohsu.edu/aaeo)).

B. **Complaints Alleging a Violation of Title IX**

The Title IX Coordinator shall ensure OHSU's compliance with Title IX, oversee the investigation of any complaint alleging a violation of Title IX and may, as necessary, take appropriate action to ensure OHSU complies with Title IX in a manner that is prompt, equitable, and effective. The Title IX Coordinator has discretion to implement any reasonable measure necessary to comply with Title IX, including taking interim steps before an investigation has concluded.

Anonymous reporting of a complaint alleging a violation of Title IX is possible by calling the OHSU Integrity hotline (1-877-733-8313, toll free; 24 hours a day, 7 days a week) or by filing an online report ([www.ethicspoint.com](http://www.ethicspoint.com)). The ability to meaningfully investigate and/or address anonymous concerns may be limited. Complainants alleging a violation of Title IX may also file a formal complaint with the U.S. Department of Education Office for Civil Rights, 1-800-421-3481 or [OCR@ed.gov](mailto:OCR@ed.gov).

Complainants have a right to simultaneously report a complaint alleging a violation of Title IX and file a criminal complaint with local law enforcement.

C. **Title IX Coordinator**

Questions regarding Title IX can be directed to the Title IX Coordinator. OHSU's Title IX Coordinator is the Director of the AAEO Department.

Mailing address: OHSU, Mail code MP 240, 3181 S.W. Sam Jackson Park Road, Portland, OR 97239-3098

Office location: Marquam Plaza, Suite 240, 2525 S.W. Third Avenue, Portland, OR 97201-4901

Telephone: 503-494-5148

Fax: 503-494-8810

Email: [aaeo@ohsu.edu](mailto:aaeo@ohsu.edu)

Website: [www.ohsu.edu/aaeo](http://www.ohsu.edu/aaeo)

**D. Further Review**

Complainants who are not satisfied with the results of the AAEO complaint process or who choose not to pursue the AAEO complaint process may, at any time, contact the Oregon Bureau of Labor and Industries, the Equal Employment Opportunity Commission, the U.S. Department of Education Office for Civil Rights (1-800-421-3481), and/or any other state or federal agency responsible for enforcing laws governing prohibited discrimination, harassment, and retaliation in education, employment, and patient care related activities and services.

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**Related Policies and Procedures:**

**OHSU Code of Conduct**

**Policy 03-05-030, Equal Opportunity**

**Policy 03-05-032, Harassment**

**Policy 03-05-035, Sexual Harassment**

**Policy 03-05-037, Religious Exercise and Religious Expression in the Workplace and Educational Environment**

**Policy 03-05-040, Employment of Family Members**

**Policy 03-05-045, Conflicting Consensual Relationships**

**Policy 08-01-005, Access for Members of the Public to OHSU Programs, Services, and Activities**

**Policy 11-20-010, Acceptable Use of Computing and Telecommunications Resources**

**OHSU Sexual Harassment Pamphlet**

**Related Forms: Prohibited Discrimination and/or Harassment Complaint Form**

**Revision History: October 10, 1996; July 8, 1999; October 14, 1999; December 27, 2001; October 22, 2010; November 10, 2014**

**Responsible Office: Affirmative Action and Equal Opportunity (AAEO) Department**