



# Discrimination and Discriminatory Harassment

Responsible Executive  
Associate Vice President  
and Chief Civil Rights Officer,  
Title IX & ADA Coordinator

Responsible Office  
Equal Opportunity and Access

## 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.
- 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 Discrimination and Discriminatory 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 university policy (individually and collectively, “Protected Status”).<sup>1</sup>

## 2. Reason for Policy

- 2.1. The university takes all Reports of Discrimination and Discriminatory Harassment seriously and responds promptly to Reported concerns. This policy is established in alignment with university values and in compliance with state and federal nondiscrimination and 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

---

<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 Reports that include allegations of sexual or gender-based misconduct will be considered under University Policy 05-001.

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, denying, or adversely affecting an individual'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 who is alleged to have been subjected to conduct that could constitute Discrimination or Discriminatory Harassment under 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 Discrimination or Discriminatory Harassment.
- 4.3. **Party:** The Complainant or Respondent. When used in the plural, "parties" means the Complainant and Respondent collectively.
- 4.4. **Protected status:** A legally protected category or characteristic of an individual or group of individuals. The university prohibits Discrimination or Discriminatory Harassment 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.

- 4.5. **Report:** Notice to or actual knowledge by EOA of an allegation or concern of Discrimination or Discriminatory Harassment.
- 4.6. **Respondent:** A person who is alleged to have violated this policy.

**Prohibited Conduct.** The following definitions describe prohibited conduct pursuant to this University Policy:

- 4.7. **Discrimination:** Conduct, either intentional or unintentional, based on a Protected Status<sup>2</sup> that:
  - 4.7.1. Excludes an individual from participation in any university program or activity for which they are otherwise eligible; or
  - 4.7.2. Denies the individual the benefits of a university program or activity for which they are otherwise eligible; or
  - 4.7.3. 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>3</sup>
- 4.8. **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:
  - 4.8.1. It creates an intimidating, hostile, or offensive environment in which to work, learn, or participate in a university program or activity; or,
  - 4.8.2. 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.

## 5. Responsibilities & Procedures

---

<sup>2</sup> At times, legitimate, non-discriminatory business needs or programmatic reasons exist to exclude an individual from a university program or activity; deny an individual the benefits of a university program or activity; or that adversely affect a term or condition of an individual's employment, education, on-campus housing, or participation in a university program or activity; *e.g.*, age requirements for safety reasons.

<sup>3</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.

## 5.1. Response to Reports

- 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. The university reserves the right to address conduct that may not rise to the level of a violation of this policy.
- 5.1.3. As determined by the Associate Vice President and Chief Civil Rights Officer, or their designee, the university may initiate an investigation of any conduct prohibited by this policy without a formal Complaint from or participation by the Complainant.
- 5.1.4. 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.
- 5.1.5. The Associate Vice President and Chief Civil Rights Officer 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 Associate Vice President and Chief Civil Rights Officer acts with independence and authority, free from bias and conflicts of interest. The Associate Vice President and Chief Civil Rights Officer oversees all resolutions under this policy and associated procedures. All employees involved in the resolution process are vetted and trained to support the goal that those employees are not biased for or against any Party in a specific Complaint, or for or against Complainants or Respondents, generally.

## 5.2. Investigations and Sanctions

- 5.2.1. 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.

- 5.2.2. 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, or removal of privileges to participate in university programs and activities.
- 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.
  - c. Individuals who are both students and employees may be subject to discipline as both a student and an employee.
- 5.2.3. The university may impose an interim administrative suspension on a student or student organization, an interim change in the employment arrangements of an employee, or an interim change to the status or access of a volunteer, contractor, or visitor to the university pending the completion of an investigation and resolution. Such interim administrative suspension, interim change in employment arrangements, or interim change to status or access will be initiated in accordance with university processes, and in compliance with applicable law or applicable collective bargaining agreements.

### 5.3. Privacy and Records

- 5.3.1. Complainants and Respondents are not restricted from discussing or sharing information related to the Report 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 with 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.

- 5.3.2. The university makes every reasonable 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.

## 6. Related Policies, Procedures, or Information

### 6.1. Resources

- 6.1.1. A list of discrimination resources is available online through EOA:  
[eoa.oregonstate.edu/Discrimination-concerns/Discrimination-resources](http://eoa.oregonstate.edu/Discrimination-concerns/Discrimination-resources)

### 6.2. University Reporting

- 6.2.1. EOA documents any Reports made to it that involve potential 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 Discrimination or Discriminatory Harassment. To notify the university and initiate an investigation or resolution process regarding any prohibited conduct as defined by this policy, contact:

The Office of 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 (with an online Reporting form): [eoa.oregonstate.edu](http://eoa.oregonstate.edu)

- 6.2.2. 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. Complainants do not need to share specific details about who harmed them or what specifically occurred to get help accessing resources. However, if specific information is shared, there are some circumstances where EOA may need to proceed with an investigation or other appropriate action even if the person reporting specifically requests that the matter not be pursued in order to protect the safety of the campus community.

- 6.2.3. If an incident involves alleged Discrimination or Discriminatory Harassment by the Associate Vice President and Chief Civil Rights Officer, Reports should be made directly to the university President or the Office of the General Counsel at [intake.ogc@oregonstate.edu](mailto:intake.ogc@oregonstate.edu).

### 6.3. Other Reporting Options

- 6.3.1. 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: www.ed.gov/about/ed-offices/ocr](http://www.ed.gov/about/ed-offices/ocr)
  - 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)

- 6.3.2. **Notification of statutory requirements.** 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.
- 6.4. Equal Opportunity and Access Reporting form: [https://cm.maxient.com/Reportingform.php?OregonStateUniv&layout\\_id=4](https://cm.maxient.com/Reportingform.php?OregonStateUniv&layout_id=4)
- 6.5. Reporting FAQs: [eoa.oregonstate.edu/Report](http://eoa.oregonstate.edu/Report)
- 6.6. The university has adopted procedures that provide for the prompt and equitable resolution of Complaints. 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/Discrimination-concerns/process](http://eoa.oregonstate.edu/Discrimination-concerns/process)
- 6.7. Additional information on Reporting and resources: [eoa.oregonstate.edu/Discrimination-concerns](http://eoa.oregonstate.edu/Discrimination-concerns)
- 6.8. University Policy 05-001 *Sexual Misconduct and Sex Discrimination*: [policy.oregonstate.edu/UPSM/05-001\\_sexual\\_misconduct\\_Discrimination](http://policy.oregonstate.edu/UPSM/05-001_sexual_misconduct_Discrimination)
- 6.9. University Policy 05-005 *Retaliation*: [policy.oregonstate.edu/policy/retaliation](http://policy.oregonstate.edu/policy/retaliation)
- 6.10. University Policy 05-005 *Responsible Employees*: [policy.oregonstate.edu/UPSM/05-005\\_responsible\\_employees](http://policy.oregonstate.edu/UPSM/05-005_responsible_employees)

6.11. Student Community Standards, *Code of Student Conduct*:

[studentlife.oregonstate.edu/pre-student-conduct-community-standards](http://studentlife.oregonstate.edu/pre-student-conduct-community-standards)

## History

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.

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.

Revised: University Policy 04-100 *Discrimination and Discriminatory Harassment* was amended on August 1, 2024. It was reviewed and revised on August 11, 2025.

Next scheduled review date: August 2030.

## Contacts

### Office of Equal Opportunity and Access

Website (with an online Reporting form): [eoa.oregonstate.edu](http://eoa.oregonstate.edu)

Email: [equal.opportunity@oregonstate.edu](mailto:equal.opportunity@oregonstate.edu)

Phone: 541-737-3556

Physical location: 2150 SW Jefferson Way, 330 Snell Hall, Corvallis, OR 97331

Monday – Friday, 8:30 AM – 4:30 PM

Policy available online at: [policy.oregonstate.edu/policy/Discrimination-and-discriminatory-harassment](http://policy.oregonstate.edu/policy/Discrimination-and-discriminatory-harassment)