Complaints and Reporting Policy for CEOAS/Oregon State University

This is what was found by CEOAS OSU POD at Oregon State University on policies for handling complaints, the reporting process, resources, and possible outcomes. Some information was public; answers that were only found through follow up with contacts are noted.

➢ The link(s) to the reporting policy at our organization are here:
  ○ Policy Index at the EOA office: https://eoa.oregonstate.edu/policy-index
  ○ Are reporting policies regularly reviewed? What is the process for changing policy?
  ○ Are the rates of reporting made publicly available (e.g. # of reports each year)?
  ○ OSU's Discrimination and Harassment Policy link.
  ○ OSUs sexual misconduct and discrimination policies and non-title IX policies link.
  ○ OSU's Bullying Policy link.
  ○ OSU's Retaliation Policy link.
  ○ Reporting records are kept for a minimum of 7 years at OSU. Here is the Records Retention Schedule. (The POD wonders: why 7 years? Litigation can come even decades after complaints are made).
  ○ Training requests can be made here.

➢ What mechanisms are available for reporting complaints, bias, microaggressions, harassment, and overt racism?
  ○ To report wrongdoing or breaches of ethical conduct:
    ■ Report concerns by phone: 1-855-388-4971
    ■ https://leadership.oregonstate.edu/oarc/report-concerns-hotline
    ■ Designated individual: patricia.snopkowski@oregonstate.edu
  ○ Bias incidents:
    ■ First: What is a bias incident? OSU defines a bias incident as an act directed toward an individual or community based upon actual or perceived background or identity including: age, color, disability, gender identity or expression, marital status, national origin, race, religion, sex, sexual orientation, or veteran status.
    ■ “Navigating Bias in Learning Environments” is a 2-hour interactive workshop that can be scheduled through the Office of Inst. Diversity at diversity@oregonstate.edu.
    ■ Bias Incident Report ONLINE Form: https://diversity.oregonstate.edu/report-bias-incident
    ■ Bias reporting protocol can be found here:
      https://diversity.oregonstate.edu/sites/diversity.oregonstate.edu/files/oregon_state_reported_bias_incident_protocol_v_5-21-2018.pdf
    ■ Bias reports CAN be made anonymously.
  ○ Discrimination, Discriminatory Harassment, Bullying, and Relation can be reported here.
Bullying is defined at OSU as “conduct of any sort directed at another that is severe, pervasive or persistent, and is of a nature that would cause a reasonable person in the victim's position substantial emotional distress and undermine his or her ability to work, study or participate in his or her regular life activities, and actually does cause the victim substantial emotional distress and undermines the victim's ability to work, study, or participate in the victim's regular life activities.”

Defs. for discrimination, discriminatory harassment, or retaliation were not found.

OSU's Office of Equal Opportunity and Access (EOA) provides several options for responding to complaints:

- **Informal**: The process of gathering information either to help establish a suspicion of discrimination or retaliation or to attempt to resolve a disagreement without following a formal complaint process.
- **Formal**: The process of investigating a case of alleged discrimination or retaliation and making a determination as to whether or not either has occurred and, where appropriate, providing a resolution to the complaint.

Clarification between various offices (University Ombuds, Office of Human Resources, Equal Opportunity & Access, and Office of Institutional Diversity) can be found [here](#).

**What are the outcomes or consequences for reported individuals?**

- If the reported conduct is within EOA's jurisdiction and violates OSU’s discrimination, discriminatory harassment, bullying, or retaliation policies, EOA will ask the Complainant if they would like an Informal Resolution, an Investigation, or no action from EOA. However, EOA will decide which action is most appropriate. At times, if it means protecting the safety of the campus community, EOA may proceed with an Investigation even if the Complainant specifically requests that the matter not be pursued.

- **Informal Resolution Process**:
  - An EOA staff member meets with Complainant to explore options for resolution.
  - If Complainant’s request for Informal Resolution involves or impacts Respondent, EOA coordinates with Employee and Labor Relations, notifies Respondent, assesses the willingness of Respondent to participate, and offers appropriate resources. EOA works with both parties toward mutually agreed resolution.
  - EOA documents the Informal Resolution.
  - Upon completion, the matter is considered closed and cannot be appealed or investigated.
  - Complainant, Respondent, or EOA may, at any time prior to closure of the matter, elect to withdraw from or terminate the Informal Resolution process. In this event, EOA would determine whether, absent a successful Informal Resolution, an Investigation is an option or otherwise necessary.

- **Investigation Process**:
  - Equity Associate (EA) meets with Complainant to review the process, gather a complete statement from Complainant, and provide information on available resources and assistance.
  - EA sends Respondent a Notice of Allegations, which includes the allegations, alleged Policy and/or Code violations, and a request to meet.[1] Complainant receives a Notice of Acknowledgment of Investigation.
- EA meets with Respondent to review process, provide information on available resources and assistance, and offers an opportunity to submit a written statement.
- EA conducts an investigation by gathering relevant information, which includes reviewing documents and interviewing parties and witnesses.
- When the Investigation is complete, EA prepares a Draft Investigation Report and Investigation Record. The Report includes a decision as to whether, by a preponderance of the evidence, there has been a violation of applicable OSU Policy.
- EA shares the Investigation Report and Investigation Record with Respondent’s supervisory unit, the Associate Vice Provost/Senior Director of Employee and Labor Relations, other involved Employee and Labor Relations Officers, the EOA Director of Investigations, and the Executive Director of EOA.

○ **Close Out Process:**
  - EOA holds a Close Out meeting with Respondent’s supervisory unit, the Associate Vice Provost/Senior Director of Employee and Labor Relations, involved Employee and Labor Relations Officers, the EOA Director of Investigations, and the Executive Director of EOA. During the Close Out meeting, the Equity Associate shares their findings from the Investigation. Close Out meeting attendees may request clarification or further information from the Equity Associate.
  - Equity Associate finalizes the Investigation Report based on any feedback or requested clarification by Close Out meeting attendees.
  - Equity Associate sends the Final Investigation Report and Investigation Record to Close Out meeting attendees.
  - Equity Associate simultaneously sends Complainant and Respondent Determination Letters providing a summary of the Investigation, including the determination as to whether, by a preponderance of the evidence, there has been a violation of applicable OSU Policy.

○ **Disciplinary Action and Resolution:**
  - In cases where there has been a violation of Policy, the Associate Vice Provost/Senior Director of Employee and Labor Relations and other involved Employee and Labor Relations Officers confer with Respondent’s supervisory unit on what disciplinary action is appropriate, consistent with applicable policy and collective bargaining agreement.
  - Respondents are notified of the disciplinary action via their supervisor.
  - EOA tracks reports in a database management system that is overseen by the Equal Opportunity Coordinator. By tracking reports, EOA are able to monitor if a particular party has been reported more than once.
  - EOA does not use a disciplinary board, but they work closely with Human Resources and the supervisor in the unit to determine next steps if a pattern emerges. EOA notes their work is very contextual, they have general processes, but cases are viewed individually.
  - EOA also work with the impacted parties to make sure their views are considered in any process EOA may engage.

➤ **What resources are available for individuals reporting?**
  - Students at OSU can receive counseling from the Counseling And Psychological Services (CAPS) that can be found [here](#). It is not clear if there is always someone of the same race, ethnicity, and gender to provide council to affected individuals.
CAPS has identified the need and began the process to hire a counselor who will serve as a Black and African-American Student Specialist (status unknown).

A support group called Womxn of Color Chat Time is available to students on a weekly drop-in basis with no need for a consultation.

- All OSU employees are eligible to receive free, confidential counseling sessions with a professional counselor through the Employee Assistance Program.
- Students and employees at OSU are able to report any retaliation and may do so by contacting the Office for Equal Opportunity and Access. Here is the Retaliation Policy.
- Students at OSU may find additional resources at the FC-Student Equity page, here.
- The Bias Response Team provides a liaison to coordinate response, care and follow-up with reporter, outlined as a part of this document.
- If an OSU student or employee is unsure about their options regarding conflict resolution, bullying, etc., the University Ombuds Office (link) is a good place to informally seek confidential information or guidance.
- OSU has a Retaliation Policy, which can be found here. Retaliation can be reported.
- Associated Students of OSU (ASOSU) Office of Advocacy provides advising and support for a wide range of issues affecting students through staff and peer advising. Legal guidance is available from ASOSU Student Legal Services.

What resources are available to groups raising issues or proposing changes?

- Cultural surveys are conducted semi-regularly and in response to high profile incidents (e.g. the COVID Faculty Pulse survey). Semi-regular surveys include the following: regular or only after wide-spread reports or high-profile incidents.
  - The Office of Institutional Diversity and the President and Provost's Leadership Council for Equity, Inclusion, and Diversity are pursuing assessment of the university climate as a key objective by establishing a mechanism and process for regularly assessing the university climate and devising strategies to realize the shared goal of a climate of inclusion. Results can be viewed here: https://diversity.oregonstate.edu/climate-assessment
  - Student Affairs Research Evaluation and Planning group has conducted campus inclusivity surveys every 2 years starting in 2015. Reports and summaries can be found here. Use these reports to highlight statistics surrounding various issues on OSU’s campus.
- Petitions of # signatures trigger a town hall, meeting with organizational leadership, or policy change. What is the follow-up process for town halls and meetings?
- Associated Students of Oregon State University (ASOUS) holds town hall meetings for specific topics. The Content Strategist and Outreach Coordinator contact is Raheem Taylor-Parkes (asosu.contentstrategist@oregonstate.edu)
- President’s Commission of the Status of Women (leadership.oregonstate.edu/pcosw): each year, subgroups work on campus issues. Recommendations are presented to the OSU president once a year.
- Working groups or committees with power to change or propose changes to policy.
  - Faculty Senate: https://senate.oregonstate.edu/handbook quoted below:
  “The Faculty Senate of Oregon State University, within the framework of legislation providing for Land-Grant Institutions and the Oregon State System of Higher
Education, on behalf of the Faculty: determines and establishes the purposes of Oregon State University, formulates and evaluates policies and activities in harmony with these purposes; assumes responsibility for the creation, maintenance, and protection of a University environment conducive to the full and free development and preservation of scholarly learning, teaching and research…”

- The Diversity Council, which is a Faculty Senate committee: Quote below is from https://senate.oregonstate.edu/diversity-council 'Standing Rules' tab:
  - “The Diversity Council addresses ongoing planning and implementation of the university's diversity initiatives, including equity, access, educational environment, and cultural competence. The Diversity Council has authority to make recommendations and work in conjunction with the Faculty Senate on issues regarding policies and practices in areas of faculty development; recruitment and retention of faculty, staff and students; and scholarship, research and curriculum. The Diversity Council also provides a forum for communication among faculty regarding OSU's diversity related activities.
  - The Diversity Council reports directly to the Faculty Senate.
  - The Council consists of eight faculty members, one of whom shall be a faculty member from OSU Cascades, with at least three being teaching faculty. There shall be two students, one of whom may be the Multicultural Affairs Task Force Director, or designee. In addition, ex-officio, non-voting members shall include the Chief Diversity Officer of the Office of Institutional Diversity and the Director of the Difference, Power, and Discrimination Program, or designees.”

- The Faculty Grievance Committee works to change rules: https://senate.oregonstate.edu/faculty-grievance-committee
  - “…as an instrument of the "Faculty Grievance Procedure," shall meet with University faculty members to consider grievances that are not resolved through informal processes. The role, activities, and responsibilities of the committee are defined in the "OSU Faculty Grievance Procedure," referenced in the Oregon Administrative Rules.
  - The Committee consists of five academic employees, with faculty rank or professional title, at least one of whom shall be female and one faculty member from an underrepresented population, chosen by the Faculty Senate Executive Committee. Any academic employee with Faculty rank or professional title may submit nominations to the Executive Committee for consideration.
  - The Chair of the Committee shall be selected by the Executive Committee of the Faculty Senate. Three members of the Faculty Grievance Committee shall constitute a quorum. (It is recommended that at least one member of the Committee should have legal training.)
  - (Note: University Policy 576-050-0010 and -0020 provide for separate mediation and grievance processes which require two separate committees.)”

- Unions:
  - The faculty union (UAOSU)
  - Classified employee union (SEIU)
  - Graduate student union (CGE)