

# **HUMAN RESOURCES / EMPLOYMENT POLICY**

## **Procedural Guidelines for Addressing Discriminatory Misconduct (1.08a)**

### **(Including Harassment, Sexual Harassment/Misconduct, or Illegal Discrimination)**

#### **Purpose:**

Willamette University strives to provide a community where students, faculty, staff and others work and live together in an environment free of all forms of harassment, exploitation, intimidation and discrimination. Harassment and discrimination is demeaning to all persons involved, and subverts the mission of the University.

This policy

2. **Confidential Assistance** –Filing a complaint can be a difficult decision. Counseling resources can assist in understanding the implications of coming forward with a complaint, as well as help with the emotional impact before, during, and after an investigation. In all cases, Willamette encourages those

4. **Procedures for Reporting** - Staff members, faculty members, or students who believe

third party conduct a renewed and independent inquiry. ~~The~~<sup>The</sup> Coordinator's decision will be delivered within ten (10) working days of receipt of any appeal ~~and~~ the decision is final.

8. **Procedures for Informal Complaint Resolution Option** - The parties concerned may request an informal resolution of allegations of harassment. An informal resolution is one in which a satisfactory

protective measures may be implemented even if the complainant is not seeking such actions.  
Remedies may include, but are not limited to:

No contact/restricted contact order.

a determination that the allegations cannot be substantiated.

15. **Other Policy Violations** - If the investigation identifies inappropriate behaviors related to the incident that do not violate the discriminatory misconduct policy, but do violate other University policies, these behaviors may result in disciplinary action.

16. **Communication of Findings** - The investigator shall make a written summary of the investigation and findings of fact. If the Director of Human Resources delegated the investigation to a third party investigator, the summary of the findings will be conveyed in writing to the Director of Human Resources. The investigators, with assistance from the Director of Human Resources if the Director is not an investigator, shall communicate the findings to the complainant and respondent in writing. The investigators shall deliver the findings to the appropriate decision maker for determining sanctions. In general, this shall be done through a person conference with the decision maker.

17. **Procedures for Determination of Sanction** - Any subsequent sanction to be taken shall be appropriate to prevent any recurrence, and shall be reasonably related to the gravity and/or frequency of the violation. Disciplinary action for administrative and classified staff will be considered using Staff Disciplinary Guidelines (2.02) policy. Determination of the sanction (disciplinary action) will be made through collaboration of the direct supervisor of the respondent, the divisional Vice President or Dean with responsibility for the respondent's department, and the Director of Human Resources.

Sanctions for faculty will be considered with reference to faculty employment policies contained in the appropriate faculty handbook corresponding to the college in which the faculty member teaches. The Dean of each college is responsible for administering appropriate disciplinary procedures reflective of the policies in the faculty handbooks of their faculty, which may be in consultation with faculty committees.

18. **Communicating Sanctions** - As described above, a final determination of the finding will be communicated in writing to the complainant and the respondent by the Director of Human Resources. In terms of communicating sanctions, an individual who has made a report of discriminatory misconduct may be advised of sanctions imposed against the respondent when the complainant needs to be aware of the sanction in order for it to be fully effective (such as restrictions on communication or contact with the individual who made the report). In general, information regarding disciplinary action taken against the respondent shall not be disclosed without the complaint respondent's consent, unless it is necessary to ensure compliance with the law or the safety or security of individuals. Privacy of employment actions will be maintained to the extent possible. However, the University reserves the right to disclose information necessary to reassure the complainant and the community that the matter has been resolved.

19. **Request for Reconsideration of Findings** - A written request for reconsideration of the findings may be made by either party to the University's Title IX Coordinator in the case of gender misconduct, or the Senior Vice President for Finance and Administration in the case of investigations of other types of discriminatory misconduct, and must be submitted within ten (10) working days of the date on the notice of finding from the investigators. Such requests, however, may only be made if there is belief that the finding was influenced by some failure of the process, or because the investigatory team was believed to have had (19.)Tj /il2(ni)-2(ve)4(r)3nform(l)-2(l)-2( not)-2( )-10(be)4( di)(t)-2 h( da)4(t)-2(e)4((

days of when the information is sent. The Title IX Coordinator will determine whether the procedures outlined in these Guidelines were followed, and based on that assessment, may affirm, revise, reverse or remand the decision. The determination concerning the request for consideration shall be made within a reasonable amount of time, generally within ten (10) working days. The Title IX Coordinator may extend the time of response by providing notice to the parties. The Title IX Coordinator's decision is final.

**20. Non-Retaliation** - The University will not tolerate any retaliatory treatment or adverse consequences as a result of an individual's acting in good faith to report discriminatory misconduct, or participating in an investigation. Retaliation may subject the person who retaliates to disciplinary action up to and including termination.

It is critical that a person responding to a claim of harassment or discrimination (the accused), and those who may be supportive of the accused, recognize that many behaviors may be perceived as retaliatory. When in doubt about whether a certain action, communication, or behavior might be viewed as retaliatory, please consult with your supervisor and/or Human Resources.

**21. Privacy, Confidentiality, & Anonymity** - Willamette University is committed to respecting to the greatest extent possible an individual's privacy, confidentiality, and anonymity, and to providing options for reporting, investigation, and support that honor this commitment. For purposes of these procedural guidelines, definitions of privacy, confidentiality, and anonymity are provided below.

#### **Definitions related to this Policy:**

**“Private” Information** – Information related to a report of alleged misconduct brought to the university's attention that will only be shared with a limited number of trained university professionals who “need to know” in order to provide support for the individual and to ensure safety for individuals and the community as well as legal compliance therein. The circle of people with knowledge of this information will be limited as much as possible to preserve privacy and ensure safety.

**“Confidential” Information** – Information shared by an individual with designated campus or community professionals that cannot be revealed to any other entity without the express permission of the individual, unless required by law. These campus and community professionals include mental health and health care providers, ordained clergy, and attorneys (within established professional privilege), all of whom must keep information confidential but not confidential.

**Status:** Under Review

**Scope:** All employees

**Effective Date:** April 1, 2015

**Origin Date (Earliest Known):** March 2009 Procedural Guidelines for Addressing Harassment

**Last Revision Date:** April 2015

**Last Review Date:** April 2015

**Next Anticipated Review:** April 2018

**Responsible University Administrator(s):** Director of Human Resources Title IX Coordinator

**Responsible University Office:** Office of Human Resources

**Primary Policy Contact(s):**

Director of Human Resources  
Willamette University  
900 State Street, Salem, OR 97301  
(503) 3706210  
[www.willamette.edu/dept/hr](http://www.willamette.edu/dept/hr)  
email: [humarresources@willamette.edu](mailto:humarresources@willamette.edu)

Associate Dean of Campus Life  
Title IX Coordinator  
900 State Street, Salem, OR 97301  
(503) 3706453  
[www.willamette.edu/dept/campuslife](http://www.willamette.edu/dept/campuslife)

Approved by:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\*Authority determined by scope of policy.