

PROHIBITED DISCRIMINATION & HARASSMENT POLICY

I. Policy Statement

Portland State University's faculty, staff, and students are responsible for maintaining an environment for work and study free from prohibited discrimination and harassment.

II. Reason for Policy/Purpose

Portland State University (PSU) is committed to providing all students, faculty and staff an equal opportunity in education and employment and an environment free from discrimination, harassment and retaliation.

III. Applicability

This policy applies to all students (including undergraduate and graduate), faculty, staff, applicants for employment or admission, volunteers and members of the PSU community, including but not limited to contractors and vendors, and applies to discriminatory conduct occurring in any PSU service, activity, or program, including employment, academic programs, and other PSU services and activities (e.g., student housing, athletics, etc.).

IV. Definitions

Discrimination: Discrimination means excluding from participation, denying the benefits of, or otherwise subjecting an individual or group of individuals to different treatment based on "Protected Class," which includes age, disability, national origin, race, color, marital status, veteran status, religion, sex, sexual orientation, gender identity and expression, genetic information, or any other basis protected by federal, state or local law, or in the use of Workers' Compensation, the federal Family and Medical Leave Act ("FMLA") or the Oregon Family Leave Act ("OFLA") and any other category covered by law.

Discriminatory Harassment: Discriminatory Harassment means verbal comments, graphic or written statements, or physical conduct by a student, faculty, staff, or other PSU community member based on a Protected Class or Protected Classes that is so severe, persistent or pervasive that it interferes with or limits a student, faculty, staff, volunteer or PSU community member's ability to participate in or benefit from the university's educational and/or employment opportunities, programs or activities. Discriminatory Harassment includes Sexual Harassment.

Sexual Harassment: Sexual Harassment refers to unwelcome sexual advances, requests for sexual favors, and other verbal comments, graphic or written statements, or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or educational experience; or
- Submission to or rejection of such conduct is used as a basis for employment, salary, or other benefit changes affecting an employee, or as a basis for educational decisions or benefits affecting a student; or
- Such conduct interferes with an individual's work or educational experience and creates an intimidating, hostile, or offensive working environment.

Examples of inappropriate behavior include: sexual or derogatory comments; grabbing or touching parts of the body; and sending letters, notes, cartoons, emails, text or audio messages of a sexually suggestive nature. Sexual harassment does not refer to occasional compliments of a socially acceptable nature.

Retaliation: Retaliation means any adverse treatment (beyond a petty slight or trivial annoyance) that is taken because a person has opposed an act or practice, made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding or hearing concerning their protected rights. Retaliation also means coercing, intimidating, threatening, interfering or discriminating against any person for the purpose of interfering with any protected right or because they have exercised any protected right or aided or encouraged another person to exercise any protected right.

V. Policy / Procedures

1. **Policy.** Discrimination or harassment based on a Protected Class or Protected Classes is strictly prohibited by PSU. Retaliation is also prohibited by PSU.
2. **Reporting Prohibited Discrimination or Harassment.** Portland State University encourages anyone who believes that he or she has experienced or witnessed discrimination or discriminatory harassment to come forward promptly. While discrimination or discriminatory harassment may sometimes be resolved by addressing the issue with the individual(s) involved, when such a course of action is not possible or appropriate, concerns or issues should be brought to the attention of any of the PSU employees below, whose contact information is provided in Section VIII:
 - A supervisor or department head most directly concerned, excluding the person accused of the prohibited discrimination or discriminatory harassment;
 - Any academic or administrative official of PSU including but not limited to, the President, Vice President, University Counsel, the Provost, Vice Provost, Dean, Chair or a Director;

- The Office of Equity & Compliance;
- The Office of the Dean of Student Life;
- PSU's Title IX Coordinator; or
- Campus Public Safety.

2.1 Required Reporting to the Office of Equity & Compliance or the Office of the Dean of Student Life. Any supervisor, manager, faculty member, or other University Official (which includes, but is not limited to, all individuals with oversight responsibility for students or employees and all other employees with the title of Director or higher) who becomes aware of an incident that may constitute discrimination or discriminatory harassment is required to promptly notify the Office of Equity & Compliance or the Office of the Dean of Student Life. Any person unsure whether he or she is required to report is encouraged to contact Portland State University's Office of General Counsel.

3. Initiating a Complaint.

3.1 Complaints Against Students. The Office of the Dean of Student Life administers the University's Student Code of Conduct, which describes and provides a process for addressing inappropriate student behavior, including discrimination and harassment. Complaints regarding a student's conduct may be reported to the Office of the Dean of Student Life by completing and submitting a Student Conduct Complaint Form.

3.2 Complaints Against Faculty/Staff and Others. The Office of Equity & Compliance conducts prompt and thorough investigations involving allegations of discrimination and harassment. Complaints against faculty staff, a volunteer, or a PSU community member may be reported to the Office of Equity & Compliance by completing and submitting an online complaint form.

- 4. Privacy and Confidentiality.** To the extent possible, Portland State University will protect the privacy and confidentiality of all parties in connection with reports of discrimination and discriminatory harassment. It may become necessary, however, to disclose information during the course of an investigation or attempt at resolution on a need- or right-to-know basis.
- 5. Investigation of the Complaint.** The Office of Dean of Student Life and the Office of Equity & Compliance conduct prompt, thorough and neutral investigations of any complaint or report of discrimination and/or discriminatory harassment. The extent and nature of the investigation will take into account any request by the individual bringing forward the complaint for confidentiality. The individual who files the complaint alleging discrimination and/or discriminatory harassment is known as the Complainant. The investigation may involve meeting with the parties and other appropriate university officials; allowing the person whose actions are the subject of the complaint, known as the Respondent, an opportunity to respond to the allegations; allowing the Complainant and Respondent to present witnesses and other evidence, interviewing relevant witnesses, and reviewing

relevant documentation. A determination will then be made if a violation of this policy has occurred based on preponderance of the evidence standard. Both the Complainant and the Respondent will be notified of the results of the investigation in writing. The investigation and notification of the outcome will be completed within 60 days from the receipt of the complaint, absent extenuating circumstances.

6. **Corrective Action.** Where prohibited discrimination or discriminatory harassment is found, timely and effective steps will be taken to ensure that the discrimination or discriminatory harassment stops immediately and to prevent its reoccurrence and also to remedy the effects on any of the victims of discrimination or harassment. Corrective actions may be determined for students by the Student Code of Conduct and for employees and staff by their respective supervisor. Appropriate corrective measures will be implemented and may range from training, counseling, verbal or written reprimands, suspensions, or other action, up to and including dismissal/termination of the relationship with Portland State University, in accordance with established Portland State University policies and procedures, collective bargaining agreements, and the Student Code of Conduct. The Complainant will be provided appropriate written notice of any corrective steps taken, including an assurance that PSU will take steps to prevent recurrence of any discrimination or harassment and to correct its discriminatory effects on the complainant or others, as appropriate.
7. **Non-Retaliation.** No person shall retaliate against an individual for reporting **discrimination or harassment**, filing a complaint, participating in an investigation, participating in resolution of a complaint or any other activity protected under this policy, regardless of the outcome of the concern or complaint.

Any act of retaliation or reprisal violates this policy and will be treated as a separate matter. Anyone found to have retaliated against someone making use of this policy will be subject to corrective actions, up to and including severance of any relationship with Portland State University.

VI. Links To Related Forms

[Student Conduct Complaint Form](#)

[Complaint of Prohibited Discrimination Online Intake Form](#)

VII. Links To Related Policies, Procedures and Information

PSU Policies, Procedures, and Collective Bargaining Agreements may be found on the [Human Resources website](#);

The [Student Code of Conduct](#) Procedure may be found on the Dean of Student Life website;

The [Office of Equity of Compliance](#) procedures may be found on the Global Office of Diversity & Inclusion website.

VIII. Contacts

For students and prospective students:

Office of the Dean of Student Life, 433 Smith Memorial Student Union, 1825 SW Broadway
Telephone: (503) 725-4422; E-mail: askdoslife@pdx.edu

For employees (faculty & staff), applicants, and members of the public:

Office of Equity & Compliance, Suite 830, Market Center Building, 1600 SW 4th Avenue
Telephone: (503) 725-5919; E-mail: diversity@pdx.edu

Office of Human Resources, Suite 518, Market Center Building, 1600 SW 4th Avenue
Telephone: (503) 725-4926; E-mail: askhrc@pdx.edu

For anyone with a safety emergency or campus safety-related concern:

Campus Public Safety Office, Suite 149, Shattuck Hall, 1914 SW Park
Telephone: (503) 725-4407; Emergency Telephone: (503) 725-4404; Email: cpso@pdx.edu

Questions regarding this Policy can be directed to either of the following:

PSU's Title IX Coordinator, Chas Lopez, Suite 830, Market Center Building, 1600 SW 4th Avenue
Telephone: (503) 725-4453; E-Mail: chlopez@pdx.edu

IX. Policy Revision

Approved _____

PORTLAND STATE UNIVERSITY PRESIDENT

Date 3/20/13

Approved _____

PORTLAND STATE UNIVERSITY GENERAL COUNSEL

Date 3/20/13

X. History/Revision Dates

Adoption Date: April 4, 2012

Revision Date: March 15, 2013

Next Review Date: April 4, 2017