



Harassment Policy and Procedures Notice

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

Attached, you will find a copy of Willamette's policy concerning employment-based harassment as well as procedures for the handling of complaints related to harassment. We strongly encourage you to take the time to review this policy and familiarize yourself with these procedures. These documents can also be found on our Human Resources website at: www.willamette.edu/dept/hr/policies/policy_harassment/index.html. Policy and procedural guidelines concerning cases of student-to-student harassment may be found in the Selected Policies Manual.

While our policy provides some guidance as to what may constitute harassment, Human Resources requires all new staff members to undergo harassment training upon hire. After the initial training, a refresher course is required once every two years. Willamette provides several options for training, including our web-based interactive tutorial. This program can be completed from any computer and at a time that is most convenient to you. Tailored to higher education, the tutorial includes modules specific to supervisory and non-supervisory staff, faculty, and students. You will find a link to the program at:

<http://www.willamette.edu/dept/hr/development/index.html>

This training should be completed within the first 30 days of your employment. Once completed, a report will be generated in the Human Resources office so that you are assured of having your participation documented in your employee record. If you are interested in other options for fulfilling your harassment training obligation, which include a Spanish-speaking version, please contact the Training and Development Resources Office at (503) 370-6631.

Thank you for helping to ensure a safe, secure and welcoming environment for all Willamette community members. If you have any questions about Willamette's harassment policy and procedures, please contact me at (503) 370-6210.

Keith Grimm, Director of Human Resources

Your signature indicates receipt of this notice.

Signature: _____

Date: _____

Willamette University Institution-Wide Policy

Prohibition of Harassment Including Sexual Harassment

Willamette University will not tolerate harassment of any individual. Tolerance and respect for dignity and worth should be the guiding principles for our relations with each other. The 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 is demeaning to all persons involved, and subverts the mission of the University.

The University can fulfill its distinctive mission only in an arena where ideas are vigorously debated, including those which some find offensive, and in an arena where staff, students, and faculty respect one another's dignity in their common membership in a community of inquiry. We must take great care neither to stifle discussion nor to make it dangerous to speak one's mind. However, harassment compromises academic freedom and damages the trust that we must all repose in one another and will not be tolerated. Furthermore, harassment is a violation of state and federal law.

(a) Harassment

Harassment is verbal or physical conduct that demeans or shows hostility toward an individual because of his/her race, color, religion, gender, national origin, age, disability, sexual orientation, or that of his/her relatives, friends, or associates, and that: (1) has the purpose or effect of creating an intimidating, hostile, or offensive working environment; (2) has the purpose or effect of unreasonably interfering with an individual's work performance; or (3) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to, the following: (1) epithets, slurs, negative stereotyping, demeaning comments or labels, or threatening, intimidating or hostile acts that relate to race, color, religion, gender, national origin, age, disability, or sexual orientation and (2) written or graphic material that demeans or shows hostility or aversion toward an individual or group because of race, color, religion, gender, national origin, age, disability or sexual orientation and that is placed on walls, bulletin boards, or elsewhere on the University's premises, or circulated in the workplace.

(b) Sexual Harassment

Sexual harassment is a form of gender (sex) discrimination. The Equal Employment Opportunity Commission has defined sexual harassment as follows:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual harassment when (1) submission to sexual conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic advancement, (2) submission to or rejection of sexual conduct influences employment or academic decisions affecting the individual, or (3) sexual conduct interferes with an individual's work performance or creates an intimidating, hostile or offensive work or academic environment.

Prohibited sexual harassment may include, but is not limited to sexual jokes, calendars, posters, cartoons, magazines; derogatory or physically descriptive comments about or towards another individual; sexually suggestive comments; inappropriate use of University communications including e-mail and telephone, unwelcome touching or physical contact; punishment or favoritism on the basis of an individual's sex; sexual slurs; negative sexual stereotyping.

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Harassment will not be tolerated at Willamette University. It is against the policies of the University for any individual to harass another individual. This includes acts between supervisors and employees, between fellow employees or between employees and students, and between third parties such as vendors or visitors and employees or students.

Where one party is in a position to extend academic or employment benefits to another, even a completely welcome, consensual, romantic or sexual relationship raises at least the appearance of impropriety and can create an unwelcome appearance of favoritism and bias. Such a relationship can lead to sexual harassment allegations if it later becomes unwelcome. Sexual harassment is not limited to situations where there is an unequal power relationship between parties, but such a relationship may make sexual harassment more likely.

Any staff member, faculty member or student who believes he or she has been the subject of harassment by an employee of the University should report the circumstances immediately to his/her supervisor, the supervisor of the person with whom he/she is having difficulty, or the Director of Human Resources. A staff member, faculty member or student may contact the Director of Human Resources without first contacting his/her supervisor. The University will not tolerate any retaliatory treatment or adverse consequences as a result of acting in good faith to report harassment or participating in an investigation.

Reports of harassment or retaliation will be promptly, thoroughly and impartially investigated. Consistent with the University's need to conduct an adequate investigation and, where a reasonable person would consider an action to be in violation of this policy, prompt corrective action to rectify any harassment or retaliation will take place. Confidentiality will be maintained to the extent possible. Inquiries will proceed pursuant to the [*Procedural Guidelines for Addressing Claims of Harassment Involving Staff or Faculty at Willamette University*](#), provided as appendix to this policy manual.

Any supervisor who sees or hears about conduct that may constitute harassment under this policy must immediately report such conduct to the Office of Human Resources.

Any staff or faculty member found in violation of this policy will be subject to discipline up to and including discharge.

(Adopted March 2009)

Willamette University Institution-Wide Policy

Procedural guidelines for addressing complaints of harassment involving staff or faculty at Willamette University

The following are to be used as procedures for addressing complaints that a faculty or staff member has violated Willamette's harassment policy. If you are still unsure of what constitutes "harassment," please consult the University's [Human Resources](#) department. These procedures do not apply to allegations of student-student harassment. Student to student harassment is addressed under the standards of conduct for students of Willamette University within the [Selected Policies Manual](#).

If a person believes that they have been harassed by a staff or faculty member, they should ask that staff or faculty member to stop the harassing behavior immediately, if he or she can do so safely. Willamette's harassment policy and these procedures address complaints of harassment based on race, color, sex, religion, age, marital status, national origin, physical or mental disability, veteran status, sexual orientation or any other basis protected by applicable local, state or federal law. "Harassment" as described, is a form of discrimination under Title VII of the Civil Rights Act of 1964 and under Title IX of the Education Amendments of 1972. Failure to respond to written or verbal concerns of sexual discrimination or harassment, or, failure to report incidents of sexual discrimination or harassment, is a violation of University policy.

Duty to Conduct Inquiry

If a harassment complaint is reported to the Director of Human Resources, or any other appropriate University official, the University may proceed to conduct an inquiry, even if that is not consistent with the complainant's wishes. An official inquiry is intended to protect the well being of involved parties, others in the community, and the University at-large.

Willamette may investigate suspected instances of harassment even if individual complaints are not made. If a supervisor or other managerial employee has reason to believe that an environment of harassment exists, or that any other provision of the University's policy prohibiting harassment is being violated, it should be reported immediately to the Director of Human Resources.

Procedures for Reporting Harassment

Any staff member, faculty member or student who believes they have been harassed by an employee of the University is encouraged to report the issue immediately to the Director of Human Resources. Alternatively, a report can be made to the claimant's supervisor, Vice President or Dean responsible for the accused offender's department. You may be asked to provide the information in writing. A staff member, faculty member, or student may contact the Director of Human Resources without first contacting other officials identified above. Any party may have an advisor or advocate in these proceedings, however the advisor or advocate may not participate in, or represent, a complainant in this process. Efforts will be made to ensure the confidentiality of the information received as a part of the process.

Supervisors and other University officials receiving complaints of potential harassment are required to consult with the Director of Human Resources, or a responsible Vice President or Dean, immediately upon receiving a complaint.

A supervisor should not attempt to resolve a complaint of harassment without assistance from the Director of Human Resources.

Preliminary Review

Upon receiving a complaint, the Director of Human Resources will make a preliminary determination as to whether or not the complaint is appropriately brought under the process for addressing violations of the University's harassment policy. The Director shall convey that preliminary determination to the complainant. The Director of Human Resources may choose to refer the complaint to a designee if warranted. If the complainant disagrees with the determination by the Director of Human Resources, the complainant may appeal this decision under the Procedures for Reconsideration to the Universities Title IX Coordinator within ten (10) working days of the date on the notice received of the determination. The Title IX Coordinator will either affirm the Director's determination, or remand the complaint back to the Director of Human Resources to proceed with further review, which may include direction that a third party conduct a renewed and independent inquiry. The Title IX Coordinator's decision will be delivered within ten (10) working days of receipt of any appeal, and the decision is final.

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 resolution to the issue is reached, usually without a formal investigation, findings or unilateral disciplinary action. Problems are sometimes easier to resolve when an informal atmosphere encourages people to identify the difficulty, talk it out, and agree on how to deal with it.

The person receiving the complaint may explore whether the parties wish to seek an informal resolution or whether they wish to proceed directly to an investigation and subsequent finding.

An informal resolution typically includes the appropriate Dean or Vice President or his/her designee meeting separately with the complainant and the accused, discussing the problem, possible violation(s) of policy and possible solutions, mediating to establish satisfactory conditions for further University-related interactions, and coordinating on-going steps to foster a successful resolution. In all cases, the Director of Human Resources should be consulted before addressing a complaint.

An attempt at a mediated resolution is recommended but not required prior to an investigation of the complaint. In addition, informal resolution may not be appropriate under certain circumstances, even with agreement on the part of the complainant.

Procedures for determining if a violation has occurred

Should a complainant choose not to use informal complaint resolution then the Director of Human Resources will proceed with an inquiry, unless the University chooses to use a third party investigator to perform the inquiry. The investigator will ordinarily start the process by notifying the accused that he or she has been named in a complaint; describe the nature of the complaint, and advising him or her of any restrictions about appropriate contact with the complainant.

The purpose of an investigation is to establish whether there is sufficient evidence to conclude that the alleged harassment policy violation has occurred. In conducting the investigation, the investigator may interview and/or obtain written statements from the complainant, the accused, and other persons believed to have pertinent factual knowledge. An advisor or advocate may not participate, or represent in this investigation process. The specific allegation(s) shall be given to the accused in writing. The accused must be given the opportunity to respond in writing to the allegations.

If investigation identifies inappropriate behaviors, related to the incident, that do not violate the harassment policy, but violate other University policies, these behaviors may result in disciplinary action.

The investigator shall make written summary of their findings. 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 Director of Human resources will use a standard of "*more likely to have occurred than not*" to determine an outcome. The Director of Human Resources shall communicate the outcome to the complainant and respondent in writing.

Possible outcomes of the investigation are a) a determination that a violation of the harassment policy did occur; b) a determination that a violation of the harassment policy has not occurred but inappropriate actions/behaviors have occurred which may warrant other disciplinary action; c) a determination that the allegations cannot be substantiated.

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 the guidelines in the Administrative and [Classified Staff Handbook](#). Determination of the sanction (disciplinary action) will be made through the appropriate Vice President or Dean, in consultation with the Director of Human Resources. Disciplinary action 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. Disciplinary action for faculty will be made through the appropriate Dean in consultation with the Director of Human Resources.

A final determination will be communicated in writing to the complainant and the respondent. An individual who has made a report of sexual harassment may be advised of sanctions imposed against the complaint respondent when the individual 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). However, 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 action or the safety of individuals. In some cases, the exact nature of disciplinary action may not be completely disclosed to the complainant. From the time the outcome is sent in writing, both parties have seven (7) working days to submit a written request for reconsideration.

Request Procedures for Reconsideration

A written request for reconsideration of the determination may be made by either party to the University's central Title IX Coordinator, who is the Vice President and Executive Assistant to the President.

The written request shall set forth the procedures that allegedly were not properly handled in the investigation. Each party will be allowed to review a reconsideration request and respond to the reconsideration request in writing within ten (10) working 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 of the Director of Human Resources. The determination concerning the request for reconsideration 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.

Other considerations

Following is information intended to support your inquiry and to help you determine if you would like to file a complaint of a violation of the University's harassment policy.

Non-Retaliation

The University will not tolerate any retaliatory treatment or adverse consequences as a result of acting in good faith to report harassment or participating in an investigation. Retaliation may subject the person who retaliates to disciplinary action up to and including termination.

Counseling

Filing a complaint can be a difficult and emotional 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. Counseling resources may also be helpful for those accused of harassment. Students are encouraged to contact the Counseling Center in Bishop Wellness Center at 503-370-6471. Any faculty or staff member who feels a need for counseling assistance is encouraged to contact the University's employee assistance program (EAP) for confidential counseling. Cascade Centers (EAP) can be reached 24 hours a day at (800) 433-2320.

Timing of the Complaint

Complaints of harassment should be made as soon as possible after the alleged harassment occurs, or within one year. Prompt reporting provides the best opportunity for the University to conduct an appropriate and complete investigation. Generally speaking, the longer a delay in reporting, the more difficult it is for the university to conduct an investigation. Complaints brought more than one year after the last alleged conduct occurs will not be pursued.

Contact InformationDirector of Human Resources

Willamette University
900 State Street, Salem, OR 97301
(503) 370-6210
www.willamette.edu/dept/hr
email: human-resources@willamette.edu

Vice President and Executive Assistant to the President

Title IX Coordinating Officer, Office of the President
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