

OREGON INSTITUTE OF TECHNOLOGY

*Discrimination Grievance
Procedure*

OFFICE OF HUMAN RESOURCES AND
AFFIRMATIVE ACTION

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Oregon Institute of Technology Grievance Procedure for Discrimination Issues

The Oregon Institute of Technology (OIT) is committed to providing an academic and employment environment which is free from unlawful discrimination on the basis of gender (including sexual harassment), disability, race (including racial harassment), color, religion, ethnic or national origin, sexual orientation, gender identification, pregnancy, veteran's status, or age. This commitment is in support of the responsibilities mandated by Titles VI and VII of the Civil Rights Act of 1964, as amended; Title IX of the Educational Amendments of 1972; Sections 503 and 504 of the Rehabilitation Act of 1973, as amended; the Age Discrimination Act of 1975; the Americans With Disabilities Act (ADA) of 1990; the Civil Rights Acts of 1991 and 1996; Oregon Revised Statutes, Chapter 659, and Oregon University System and OIT policy and philosophy.

While individuals with discrimination-related complaints may, by law, file complaints at any time with external enforcement agencies, OIT encourages persons with complaints to utilize the following internal complaint procedure before filing a complaint with another agency. The Office of Human Resources and Affirmative Action ("Office") serves as a resource for potential grievants and provides resolution, mediation and investigation functions in the handling of complaints of illegal discrimination. A complaint may be filed with the Affirmative Action/Equal Opportunity/ADA/ Section 504/Title IX Compliance Officer ("Compliance Officer"), identified below, without first discussing the issue with any person. However, individuals are encouraged to first attempt an informal resolution of the complaint by bringing it to the attention of the person who has allegedly acted in a discriminatory manner or the individual's supervisor. The Compliance Officer can assist in implementing the informal resolution process.

Any employee, student or member of the public may file a discrimination complaint. Depending upon the individual's status different laws, rules, policies, and processes apply. Additional information is available from the Office of Human Resources.

Students, unclassified administrative staff, and members of the public should direct inquiries to and file any complaint with the Compliance Officer. A formal complaint must be filed in writing or as an audio or video tape recording. The complaint must contain the name and address of the person filing the complaint, and shall briefly describe the alleged violation(s) of regulations and/or law. Persons requiring assistance in the documentation of their complaint should contact the Compliance Officer. Students are also referred to the "Student Conduct Code" as set forth in the current edition of the *OIT Student Handbook* for information on what constitutes discriminatory harassment and the potential consequences of engaging in such behavior.

Faculty members are required to follow the grievance procedure set forth in Oregon Administrative Rule 578-42-0050, which includes the informal and formal grievance resolution processes.

Classified staff who are party to the collective bargaining agreement ("union contract") are required to use the grievance procedure outlined in that agreement. These employees are referred to Article 18 of the agreement for information on filing a complaint/grievance and to Article 19 for the nondiscrimination policy.

Administrative staff are referred to OIT Policy 21-320, "*Grievance Procedure for Administrative Staff*" for information on the resolution of workplace complaints and grievances which do not allege illegal discrimination.

Complaints or grievances related to the provision of an accommodation for a disability require that the employee, student, or member of the public must first have made an appropriate initial request for accommodation. Students and persons making application for admission or taking placement/assessment examinations are to make the initial request to the Office of Services for Students with Disabilities. Non-faculty employees, classified and unclassified, should submit the request to the Director of Human Resources. Faculty persons should submit the request to the appropriate department head or the Vice President for Academic Affairs/Provost. Members of the public should submit their request to the Director of Human Resources. In the case of specific events or activities on the OIT campus, the request should be submitted to the OIT department sponsoring the event. Complaints or grievances should be submitted to the Compliance Officer.

Student grievances concerning the provision of academic adjustments and auxiliary aids on the basis of a disability shall be directed to the Vice President for Student Affairs or the Compliance Officer.

Members of the public who believe they have been subjected to illegal discrimination are urged to contact the Compliance Officer. However, use of the OIT discrimination grievance procedure by members of the public is limited to alleged discrimination based on disability; a formal complaint on these grounds must be filed with the Compliance Officer. Included in the definition of members of the public who may file such grievances are applicants for admission or employment at OIT and those attending or wishing to attend events on OIT property. Complaints alleging other illegal but non-disability related discrimination are referred to appropriate state and federal agencies, primarily the Oregon Bureau of Labor and Industries, the U.S. Department of Education, and the U.S. Equal Employment Opportunity Commission.

Formal complaint filing and resolution: Complaints alleging discrimination are to be filed within 180 calendar days (365 calendar days for discriminatory sexual or racial harassment complaints) following the alleged discriminatory act, or the date on which the complainant knew or reasonably should have known of said act. These time limits may be extended with the approval of the Compliance Officer.

The Compliance Officer shall conduct an appropriate investigation following the filing of a complaint. This grievance procedure contemplates timely and thorough investigation, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to the complaint. In the event that a potential or actual conflict of interest exists, the Compliance Officer shall remove him/herself and a third party shall be designated by the President or the appropriate Vice President to conduct the investigation.

A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by the Compliance Officer within fourteen calendar days of the date of filing. This time limit may be extended by the President of OIT for an additional ten calendar days. The written determination shall include statements of findings and recommendations for remedy and correction, if any. The written determination shall be conveyed to the complainant and named and/or appropriate others. At the discretion of the Compliance Officer, a summary of findings and recommendations may be presented to the complainant and/or named individuals in lieu of the entire report.

If the complainant or the respondent is dissatisfied with the findings and/or recommendations of the Compliance Officer or with actions taken subsequent to the complaint investigation and written determination, a letter of appeal may be filed with the President of OIT. This letter must be submitted within fourteen calendar days of the date of mailing or personal delivery of the written determination or summary, or the action taken as a result of the investigation and determination. The President shall issue a written decision within thirty calendar days of receipt of the letter of appeal. The decision of the President is final in accordance with OAR 580-021-0550(10).

Respondents to complaints are prohibited from taking any retaliatory action against the complainant, other persons related to the complaint, or persons involved with the complaint investigation. The Compliance Officer should be notified as soon as possible of any act which might be regarded as retaliatory in nature.

In the event that disciplinary action is taken against an OIT employee as a result of a complaint of illegal discrimination, any grievance regarding that disciplinary action shall be subject to the applicable procedure for resolution of disciplinary action grievances.

This grievance procedure shall be construed to protect the substantive rights of interested persons to meet appropriate due process standards and to assure that OIT complies with the applicable laws and implementing regulations. The right of a person to a prompt and equitable resolution of the complaint filed under this procedure shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the responsible federal department or agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies. Individuals should be aware that other agencies might maintain different timelines for submission of complaints, appeals and legal action.

Questions pertaining to this procedure should be directed to the Compliance Officer:

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This document will be made available in accessible formats upon request. To secure this publication in large print or other suitable format, please contact the Office of Human Resources at (541) 885-1108 or via e-mail to: ron.mccutcheon@oit.edu