

Oregon Tech Policy
OIT-01-005
Reporting Misconduct and Prohibited Retaliation - *INTERIM*

1. Policy Statement

Oregon Institute of Technology (Oregon Tech) is committed to creating and maintaining a safe, respectful, supportive, and productive environment in which to study, live, work, research, and visit. Oregon Tech strives to maintain an atmosphere that supports educational and career advancement based on reasonable, meaningful, and objective measures, such as academic and job performance. Oregon Tech strives to recruit and retain top talent and persons of diverse backgrounds and experiences for its workforce and within its student body.

When known or suspected misconduct occurs, Oregon Tech relies on members of the Oregon Tech Community to report such incidents, so that Oregon Tech can take swift action in investigating, stopping, addressing, and preventing further incidents.

Oregon Tech wants every member of its community to feel empowered, encouraged, and protected when reporting known or suspected misconduct.

2. Reason for Policy/Purpose

The purpose of this Policy is to:

- Establish expectations for members of the Oregon Tech Community to consistently and promptly report known or suspected misconduct;
- Provide for transparent processes through which people can make good-faith reports of known or suspected misconduct; and
- Protect people from retaliation for reporting known or suspected misconduct.

3. Applicability/Scope

This Policy applies to all members of the Oregon Tech community, including students, employees, applicants for employment or admission, visiting scholars, contractors, vendors, affiliates, volunteers, and campus visitors (collectively, the Oregon Tech Community).

4. Definitions

Misconduct: Any known or suspected action, whether willful or inadvertent, related to Oregon Tech or to the conduct of members of the Oregon Tech Community that: (1) violates Oregon Tech policies, procedures, rules, regulations, or contracts; (2) violates applicable federal, state, or local law; (3) violates applicable ethical or professional standards; (4) constitutes fraud, gross mismanagement, gross

waste of monies, or misuse of University property, resources, or authority; (5) poses a substantial and/or specific risk to the health or safety of the public or any member of the Oregon Tech Community; and/or (6) otherwise unprotected conduct that substantially interferes with Oregon Tech operations, processes, and functions.

Protected Activity: As used in this Policy, this refers to (1) a person’s good faith reporting of known or suspected Misconduct; (2) a person’s good faith participation in the investigation of alleged Misconduct, or (3) a person’s reasonable refusal to engage in Misconduct.

Retaliation: Any action—beyond a petty slight or trivial annoyance—taken against a person because of the person’s participation in a protected activity that would discourage a reasonable person from engaging in that protected activity.

5. Policy

a. Reporting Known or Suspected Misconduct

Who Should Report

Oregon Tech expects every member of the Oregon Tech Community to feel empowered to consistently and promptly report known or suspected Misconduct. Employees of the Integrated Student Health Center are Confidential Resources when it comes to reports of Sexual Misconduct. As such, they are not required to report such misconduct.

Oregon Tech Community members are encouraged to utilize the reporting option with which they feel most comfortable. While anonymous reporting options are available, open reporting allows Oregon Tech to fully investigate concerns. See Reporting Misconduct webpage for detailed reporting options.

What to Report

Certain Misconduct may be required to report by law, contract, or policy, including:

- Oregon Tech employees have a legal obligation to report any reasonable belief that any child with whom the employee comes in contact has suffered abuse or that any person with whom the employee comes in contact has abused a child. Employees also have a similar duty to report abuse of elders, persons with developmental disabilities, or certain other vulnerable adults. See Oregon Tech’s [Mandatory Reporting website](#).
- Employees who, within the scope of their employment, come across images of a minor engaging in sexual activity must report such issues to law enforcement.
- Employees are expected to report known or suspected incidents of discrimination, harassment, or retaliation based on any protected status, sexual assault or sexual violence, sexual exploitation, interpersonal violence, or stalking. Employees designated as Campus Security Authorities also should report such incidents to the Clery Coordinator. (See related policies Prohibited Discrimination and Harassment, Prohibited Sexual Misconduct, Violence-Free Campus, and Clery Act).

- Reporting of various forms of Misconduct may also be required under the terms of specific contracts, agreements, or grants (*e.g.*, federal funding agencies, like the National Institutes of Health and the National Science Foundations, may award grants containing reporting requirements pertaining to certain types of misconduct).

Where to Report

Oregon Tech policies addressing specific types of prohibited contact will typically identify the best department or office with which to reports of known or suspected misconduct discussed in that specific policy.

Generally, any type of misconduct perpetrated by a student may be reported to the Department of Student Affairs and any type of misconduct perpetrated by an employee or a non-student member of the Oregon Tech Community may be reported to the Office of Human Resources. General reporting options include:

- For known or suspected misconduct by students, contact the Office of Student Affairs for mic: 541.885.1011, College Union 217;
- For known or suspected misconduct by employees or any non-student members of the Oregon Tech Community, contact the Office of Human Resources: 541.885.1120; oithr@oit.edu; Snell Hall, First Floor;
- For any situations where safety is a concern, contact Campus Safety Department: 541.885.0911 (emergency) or 541.885.1111 (non-emergency); Cornett Hall 231; [Report an Incident Online](#);
- To file an online report, access Oregon Tech’s Campus Incident Report: [Login to TechWeb](#), click on Campus Resources, click on Report an Incident; or access [Safe Campus Incident Reporting Form](#) (can be used for anonymous reporting); or access [Ethics-Point](#) (can be used for anonymous reporting).

b. Addressing Reports of Known or Suspected Misconduct

After receiving a report of possible Misconduct, the appropriate Oregon Tech office or department will assess and resolve the matter as appropriate, consistent with applicable Oregon Tech policy. Oregon Tech will notify the person suspected of Misconduct of the allegations to allow them to respond. Oregon Tech may interview other people who may have information necessary to resolve the matter. Oregon Tech will make reasonable efforts to conduct any investigations in a private manner understanding that, at times, providing identifying information to other parties may be required by law.

During the review and resolution of alleged Misconduct, Oregon Tech takes reasonable steps to protect people from Retaliation while still affording those who have been accused of Misconduct adequate notice of the report made against them.

c. Protection from Retaliation

Prohibited Retaliation

Oregon Tech prohibits any form of Retaliation against (1) anyone who makes good faith reports, and (2) anyone who participates in the investigation of a Misconduct report.

Retaliation is prohibited regardless of whether the good-faith report was made to Oregon Tech or an external body. Retaliation is prohibited even if a good-faith report is ultimately unsubstantiated.

Any person who believes that they are being retaliated against for engaging in a Protected Activity, or for participating in, cooperating with, or contributing to efforts to investigate or resolve a report of misconduct, should immediately contact the Office of Human Resources (if an employee) or the Dean of Students (if a student).

While this Policy protects people from Retaliation for reporting Misconduct in good faith or for participating in an investigation of Misconduct, it does not immunize reporting Misconduct does not any person. Consequently, people who make good-faith reports or who participate in investigations may still be held to academic, employment, or other reasonable standards, so long as the standards are being applied for legitimate non-retaliatory reasons.

Reports not Made in Good Faith

This Policy does not protect reports of Misconduct that are made with malice or with knowledge that the report is false. Malicious or false reporting can, in fact, constitute Misconduct. In such cases, the person making the bad faith report may be subject to disciplinary or other corrective action.

This Policy does not protect people who self-report their own Misconduct from the consequences of the Misconduct. However, the University may take self-reporting into account as a mitigating factor in determining an appropriate response.

d. Policy Violations

Failure to comply with this Policy could result in disciplinary action, up to and including termination for employees and expulsion for students.

6. Links to Related Procedures, Forms, or Information

Background and Reference Checks (*forthcoming*)
Clery Act Compliance (*forthcoming*)
Conflicts of Interest (*forthcoming*)
Prohibited Discrimination and Discriminatory Harassment
Prohibited Sexual Misconduct
Violence-Free Campus (*forthcoming*)
Weapons on Campus (*forthcoming*)

Related State and Federal Laws

Americans with Disabilities Act (ADA) of 1990, as amended by the ADA Amendments Act of 2008
Genetic Information Nondiscrimination Act of 2008
Office of Federal Contract Compliance Programs, 41 CFR Chapter 60
Oregon Revised Statutes 163.693
Oregon Revised Statutes 659 and 659A

Rehabilitation Act of 1973, as amended
Title VII of the Civil Rights Act of 1964,
Title IX of the Education Amendment of 1972
Uniformed Services Employment and Reemployment Rights Act, as amended
Vietnam Era Veterans Readjustment Assistant Act of 1974, as amended

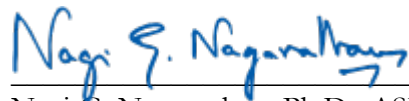
7. Policy Review/Consultation/Responsible Officer

This Policy was adopted on an interim basis as a result of new federal regulations applying to Title IX and requiring compliance by August 14, 2020. This Policy was drafted by the Title IX Compliance Task Team and reviewed by various stakeholders. This Policy was then reviewed and approved by Oregon Tech's President under his authority to revise and enact policies when prompted by the necessity of law.

The Responsible Officer for this Policy is Oregon Tech's Chief Human Resource Officer (ph: 541.885.1108; e: oithr@oit.edu).

8. Policy Approval

Approved by the President on August 12, 2020.



Nagi G. Naganathan, Ph.D., ASME Fellow
President

Adoption Date

August 12, 2020 (Effective August 14, 2020)

Revision Dates