

# A GUIDE TO THE SEXUAL HARASSMENT and CONSENSUAL RELATIONSHIPS POLICIES OF OREGON INSTITUTE OF TECHNOLOGY

The Oregon Institute of Technology maintains policies regarding Sexual Harassment (OIT-21-325) and Consensual Relations Leading to Conflicts of Interest (OIT-22-055) which apply to students, faculty and staff of the University. OIT has instituted grievance and complaint resolution procedures to ensure compliance with pertinent federal and state law and regulation pertaining to employment and student life.

The following information is intended to provide an overview of our policies and the grievance procedure and process, and is not intended to substitute for the full policy statements. The entire policy and grievance procedures are available from various sources, including:

The Affirmative Action Officer (Snell Hall, Rm. 108, 885-1108) and on the OIT website on the main “Faculty and Staff” page under “Human Resources - Affirmative Action” or, on the “Future Students-” or “Current Students-” “Student Services” pages

The Office of the Vice President of Student Affairs (College Union, Rm. 217, 885-1013)  
Academic and Administrative Department Heads (in the OIT Policy Manual)  
Synopsis are available in the “OIT Student Handbook” and the “OIT Faculty Handbook”

## Sexual Harassment

To foster an environment of trust and respect for the dignity and worth of all students and staff, it is the policy of the Oregon Institute of Technology that sexual harassment of students and employees is unacceptable and impermissible conduct which will not be tolerated. The University specifically prohibits any form of illegal discrimination, including sexual harassment, as set forth by Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Oregon Revised Statutes.

### Definition of Sexual Harassment

Sexual harassment occurs in a variety of forms and situations, all of which share a common element: the inappropriate, unwelcome introduction of sexual behavior or comment into the work or learning environment that impedes a person’s academic or employment experience. This behavior is found in relationships of unequal power as well as in relationships among equals, and may involve the behavior of a person of either gender against a person of the opposite or same gender.

Sexual harassment can have life-changing emotional and academic or employment effects upon a victim; and perpetrators may experience disciplinary action up to and including loss of employment, academic suspension or expulsion and potential civil court actions. It is essential

that all members of the OIT community are committed to respectful, equitable and non-discriminatory treatment of others.

Sexual harassment of a student means any sexual advance, any request for sexual favors or other verbal or physical conduct of a sexual nature when: (a) submission to such advances, requests or conduct is made either explicitly or implicitly a term or condition of a student's employment or academic experience; or, (b) submission to or rejection of such advances, requests or conduct is used as a basis or condition for academic decisions, involvement in student activities and programs, or student employment or externship opportunities; or, (c) such conduct interferes with the academic, student activity or employment performance of a student because it has created an intimidating, hostile or offensive environment.

In the employment context, sexual harassment occurs when such behavior constitutes unwelcome sexual advances, unwelcome requests for sexual favors, and other unwelcome verbal or physical behavior of a sexual nature where: (a) submission to such advances, requests, or conduct is made either explicitly or implicitly a term or condition of an individual's employment; or, (b) submission to or rejection of such advances, requests, or conduct by an individual is used as the basis or condition for employment; or, (c) such conduct is unwelcome and sufficiently severe or pervasive that it interferes with an individual's work performance because it has created an intimidating, coercive, hostile, or offensive working environment.

#### Examples of Prohibited Behavior

Prohibited acts that constitute sexual harassment take a variety of forms. Examples of the kinds of conduct that *may* constitute sexual harassment include, but are not limited to:

1. Unwelcome sexual propositions, invitations, solicitations, and flirtations.
2. Threats or insinuations that a person's employment, wages, academic grade, promotional opportunities, classroom or work assignments or other conditions of employment or academic progress may be adversely affected by not submitting to sexual advances.
3. Unwelcome verbal expressions of a sexual nature, including graphic sexual commentary about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene phone calls or electronic communication.
4. Sexually suggestive objects, pictures, videotapes, audio recordings or literature, placed in the work or study area that may embarrass or offend individuals. Such material used in the educational setting shall be related to educational purposes.
5. Unwelcome and inappropriate touching, patting, pinching, or obscene gestures.
6. Stalking behavior and sexual assault (which are also criminal offenses).

## Reporting and Resolution

Any member of the OIT community who believes they have been subjected to sexual harassment is urged to report it to the Affirmative Action Officer (Ron McCutcheon, Snell Hall Room 108, 885-1108) as soon as possible in order to cease the offending behavior and to seek resolution, either through a formal grievance process or informal resolution. The Affirmative Action Officer is designated by the University to receive, investigate and seek resolution of all complaints of illegal discrimination, including sexual harassment; and should be contacted with inquiries regarding the policy, procedure and avenues for resolution.

**For students who may be sexually harassed:** While all incidents of possible sexual harassment are to be reported to and investigated by the Affirmative Action Officer, students can make their initial contact with, and receive assistance from, any of the following:

- Vice President of Student Affairs, College Union, Rm. 217, 885-1013;
- Director of Housing and Residence Life, Residence Hall A151, 885-1087;
- Their assigned Resident Advisor if the student is living in the Residence Hall;
- Their assigned academic advisor or an academic department chair;
- The administrative department head if the incident occurred in the course of a student's employment.

Students can obtain support in dealing with the emotional and personal effects of being sexually harassed by contacting the Integrated Student Health Center at 885-1800.

**Faculty and staff** should contact the Affirmative Action Officer (Ron McCutcheon, Snell Hall Room 108, 885-1108) as soon as possible; and are advised to notify their immediate supervisor or department chair/director of the offending behavior, unless otherwise indicated, such as a complaint against that supervisor.

## Consensual Relationships

The mission of the Oregon Institute of Technology is promoted by an atmosphere of professionalism, mutual respect and trust. This trust is put at risk when members of the University community engage in romantic or sexual relationships that involve persons with unequal power; i.e., administrator and faculty, faculty and student, supervisor and employee, coach and athlete. The power differential inherent in such relationships makes any apparent consent invalid.

Amorous relationships that might be appropriate in other circumstances are imprudent when they occur between a member of the University community and a person for whom he/she has a professional responsibility at Oregon Institute of Technology. The individual in authority bears

the primary responsibility for any negative consequences resulting from a romantic or sexual relationship. If any party involved in a romantic or sexual relationship with another member of the campus community is in doubt as to whether a power differential does exist or whether the relationship violates this policy, he/she is strongly encouraged to consult in confidence with his/her academic advisor, the academic Department Chair, the administrative department supervisor or the Human Resources Director/Affirmative Action Officer (Ron McCutcheon, Snell Hall Room 108, 885-1108).

Any employee involved in a consensual romantic or sexual relationship is required to advise his/her direct supervisor, the academic or administrative department head, or the appropriate Vice President of the relationship. The employee is further required to cooperate in eliminating any actual or potential conflict of interest resulting from the relationship.

Amorous Relationships in the Instructional Context: Commonly accepted standards of professional behavior and ethics require that faculty members not hold evaluative power over any student with whom they have a romantic or sexual relationship. Evaluative power includes, but is not limited to, decisions concerning grades, degrees, evaluations, and awards. Should such a relationship exist between a faculty member and a student, the faculty member is required to make immediate and formalized arrangements through his/her Department Chair to eliminate the conflict of interest.

Amorous Relationships Outside the Instructional Context: Any supervisor who is in a romantic or sexual relationship with another individual over whom he or she has an evaluative responsibility must remove himself or herself from personnel decisions concerning that individual including, but not limited to, appointment, retention, promotion, discipline, tenure, leave approval, and compensation.

Process and Sanctions: Concerns about actual or potential violations of this policy should be referred to the Affirmative Action Officer. No official action will be taken that could result in sanctions unless a formal, non-anonymous written complaint is filed with the Affirmative Action Officer. Every reasonable effort will be made to resolve alleged policy violations on an informal basis. If necessary, a formal investigation of the alleged violation(s) will be initiated by the appropriate Vice President and conducted by the Affirmative Action Officer.

***Retaliation in any form, including but not limited to adverse employment actions or academic grading and standing actions, in response to complaints made or concerns expressed under these policies is prohibited and subject to disciplinary action.***

*This document is available in alternate format upon request to the Affirmative Action Officer, Oregon Institute of Technology, 3201 Campus Drive, Klamath Falls, OR 97601; 541-885-1108 or e-mail to [ron.mccutcheon@oit.edu](mailto:ron.mccutcheon@oit.edu).*

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