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MENU

# Investigations and Civil Rights Compliance (1)

# Employee Formal Process

A university investigation is an administrative process subject to university policy and procedure, and not a legal proceeding.

The purpose of a university investigation is to determine what happened, who, if anyone, is responsible for what happened, and whether the university discrimination/harassment policy has been violated.

The university has multiple ways of responding to and addressing reports of harassment and discrimination, including conducting a formal investigation. Not all reports of harassment or discrimination result in or are addressed through an investigation.

## Accommodations

The University of Oregon is committed to ensuring an inclusive, accessible, and equitable process for all participants. Employees with a disability who require a reasonable accommodation in order to participate in any part of the investigative process should contact the ADA Coordinator. Student requests for accommodations should be directed to the Accessible Education Center (AEC). Requests for accommodations should be made as soon as possible to ensure the university has sufficient time to review and process the accommodation request.

Participants who wish to request language interpretation or translation services, for a need other than a disability accommodation, should notify the Office of Investigations and Civil Rights Compliance of the request in writing as soon as possible during the process.

## Supportive Measures and Confidential Resources

The university provides reasonable supportive measures — including but not limited to counseling, modifications of work or class schedules, campus escort services, and other support services — for Complainants, Respondents, and other university employees or students participating in its investigation processes. Students or employees may access these supportive measures and confidential resources regardless of whether a formal complaint is made to the university. A list of resources is available on the [Support and Resources page](#) (/

[how-get-support](#)).

## Initial Assessment

In order to determine whether an investigation will be initiated, the university conducts a preliminary assessment of the report to determine whether the university has jurisdiction over the conduct alleged in the report, and whether that conduct, if true, would constitute a violation of university policy. If the university determines that it has jurisdiction over the alleged conduct and there is a potential violation of university policy, the university may initiate an investigation. Investigation of conduct that involves discriminatory misconduct (e.g., conduct based on a protected characteristic, including sexual harassment) follows the investigation process set forth below.

## Investigation Process

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### Notice of Allegations

A Formal Complaint is a written document, signed by a Complainant or the Chief Civil Rights Officer, that describes known details of the alleged misconduct, lists the alleged violations of university policy, and requests that the university initiate an investigation as outlined in these procedures. Upon receipt of a Formal Complaint, the Chief Civil Rights Officer will issue a written Notice of Allegations. The Notice of Allegations is sent to the person(s) who has submitted a Formal Complaint alleging a violation of university policy (Complainant), and to the person(s) against whom the Formal Complaint is made (Respondent). The Notice of Allegations communicates what has been alleged, what policy(ies) may have been violated and outlines the investigation and adjudication process to be used to resolve the complaint.

The date of the Notice of Allegations marks the date the investigation begins.

## **Timeline for the Investigation and to Resolve the Complaint**

The university works to investigate complaints as thoroughly and expeditiously as possible. Generally, investigations are completed within 90 business days from the date of the Notice of Allegations. However, the exact timeline is case specific. Both Complainant and Respondent (hereafter, “the parties”) will receive updates from the investigator regarding the timeline for resolution.

## **Presumption of Non-Responsibility**

The Respondent is presumed not responsible for violating university policy based on the conduct alleged in the Formal Complaint until a determination has been made regarding responsibility at the close of the investigation.

## **Information Collected as Part of an Investigation**

Typically, the information that is gathered as part of an investigation includes but is not limited to:

- Interviews
  - Statements of Complainant, Respondent and witnesses
- Relevant evidence such as:
  - Texts
  - Emails
  - Notes
  - Photographs
  - Recordings
  - Documents
  - Diagrams and pictures
  - Other written, non-written, hard-copy and electronic materials

The university will not rely upon, or seek disclosure of, information protected under a legally recognized privilege (such as privileged medical or counseling records), unless the person holding such privilege has waived the privilege.

## **A. Process for Allegations of Discrimination and Non-Title IX Harassment**

Once the investigator has finished interviewing witnesses and gathering information, the investigator will compile an Evidence File that contains the evidence that is relevant to the alleged policy violation(s).

The Evidence File will then be shared with the parties, who will be provided with 15 days to respond to the information in writing. The investigator will review the responses and if necessary conduct further inquiry.

After reviewing any responses from the parties to the Evidence File and to any additional information collected in further inquiry, the investigator will draft the Notice of Findings that summarizes the relevant information gathered during the investigation and includes a determination as to whether a violation of university policy occurred. When making findings of responsibility, the university applies a preponderance of the evidence standard (i.e., asking if based upon the information provided, it is more likely than not that the Respondent is responsible for the alleged violation).

## **B. Process for Allegations of Title IX Sexual Harassment (“Title IX Process”)**

When the university is investigating a Formal Complaint involving allegations of [Title IX Sexual Harassment \(/policies-faqs#title-ix-harassment\)](/policies-faqs#title-ix-harassment), the procedures outlined in this section apply in lieu of the procedures set forth in section A above. This is because where allegations of Title IX Sexual Harassment are at issue, both Complainant and Respondent are entitled to additional specific procedures.

Once the investigator has finished interviewing witnesses and gathering information, the investigator will compile an Evidence File that contains the evidence that is directly related to the alleged policy violation(s).

The Evidence File will then be shared with the parties, who will be provided with 15 business days to respond to the information in writing. The investigator will then review the responses and if necessary conduct further inquiry. If such inquiry results in additional information gathered, the parties will be given another opportunity to review and comment on the information.

After reviewing any responses from the parties to the Evidence File and to any additional information collected in further inquiry, the investigator will then draft an Investigation Report that summarizes the relevant information gathered during the investigation

that summarizes the relevant information gathered during the investigation.

## **The Title IX Hearing**

If any Title IX Sexual Harassment allegations remain at issue and have not been dismissed at this point in the formal process (see “Early Dismissal” Section, below), parties in the Title IX Process have a right to a live hearing where their advisors may ask questions of the other party and witnesses on their behalf. This oral and real time cross-examination right is unique to the Title IX Process. Procedures specific to the live hearing, including the additional role of advisors and opportunity to respond to the Investigation Report in writing, will be provided before the hearing stage in the process. The parties will also be provided with a Notice of Hearing that will provide the date of the hearing, rules of decorum and expectations for the hearing and otherwise describe the logistics and rules of the proceedings.

Following the Title IX Hearing, a Notice of Findings will be issued containing a determination as to whether a violation of university policy occurred. When making findings of responsibility, the university applies a preponderance of the evidence standard (i.e., asking if based upon the information provided, it is more likely than not that the Respondent is responsible for the alleged violation).

## **Concluding the Investigation Process**

The Investigation Report and Notice of Findings will be provided to the parties and to other university representatives, such as supervisors and Employee and Labor Relations representatives, as necessary to address policy violations and address concerning behavior.

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## **Participation in the Investigation**

An investigation is how the university gathers information about a complaint in order to determine whether anyone violated university policy. The investigator will generate the Investigation Report based on the information made available to the investigator or information that the investigator was reasonably able to gather during the investigation. Non-participation in an investigation by a Respondent or a witness will not prevent the investigation from proceeding. The university encourages students to fully participate in an investigation and expects that employees will participate in an investigation.

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## Early Dismissal

The university has discretion to dismiss a Formal Complaint, either in whole or in part, at any time after the Complainant has had the opportunity to speak with the investigator. A dismissal is appropriate only in cases where (a) upon viewing the information in the light most favorable to the Complainant, there is insufficient information to find that the Respondent violated university policy; (b) the Complainant notifies the investigator in writing that they would like to withdraw the complaint or any allegations in the Formal Complaint, or (c) the Respondent is no longer employed by the university and the university determines that it is in the institution's interest to not further pursue the investigation. A dismissal should not be based on an assessment of the credibility of a party or witness and is intended only in rare cases where a full Investigation Report and Notice of Findings is deemed unnecessary under the circumstances. The parties will both receive notice of any dismissal and shall have 5 days to appeal an early dismissal.

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## Sanctioning

Any employee found responsible for a violation of university policy may face disciplinary sanctions up to and including termination from employment. Sanctioning determinations will be made under advisement by the university's Employee and Labor Relations team, following progressive discipline standards set forth in collective bargaining agreements and university policy, as applicable.

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## Prohibition on Retaliation

Retaliation is prohibited by university policy and state and federal law. The university will not tolerate retaliation in any form against any individual who makes an allegation, files a report, serves as a witness, assists a Complainant or Respondent, or participates in an investigation under these procedures. Should you believe that you are the subject of an act of retaliation, contact the Office of Investigations and Civil Rights Compliance immediately so that someone may assess the situation and offer assistance and resolution as appropriate.

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## Advisors for Complainants and Respondents

## ADVISORS FOR COMPLAINTANTS AND RESPONDENTS

### **The following applies to individuals who are not represented by a union:**

You may bring an advisor to any interview with the Office of Investigations and Civil Rights Compliance (OICRC) and any administrative meeting related to a complaint which is being investigated or addressed by OICRC. We strongly recommend that your advisor not also be a witness in the matter being addressed by OICRC. Choosing an advisor who is also a witness in the process creates potential for bias and conflict-of-interest. A party who chooses an advisor who is also a witness can reasonably anticipate that issues of potential bias will be explored by the decision-maker(s) in the formal process.

Your advisor may offer support to you; however, your advisor may not speak or act on your behalf, or take any action that impedes or disrupts any interview, meeting, or the university's investigation and resolution of a complaint. The only time that an advisor may otherwise participate is as described in the rules for the live hearing portion of the Title IX Process.


If you intend to bring an advisor to an interview or meeting, we ask that you complete the [Advisor Designation Form](#)  and return it to OICRC before your initial OICRC interview or meeting.

### **The following applies to employees represented by a bargaining unit (e.g., United Academics, Graduate Teaching Fellows Federation, Service Employee International Union, University of Oregon Police Association, or Teamsters):**


As a represented employee, you are entitled to have a union representative or another advisor with you at any interview with the Office of Investigations and Civil Rights Compliance (OICRC) and any administrative meeting related to a complaint which is being investigated or addressed by OICRC, provided your advisor is not also a witness in this matter. Your advisor may offer support to you; however, your advisor may not speak or act on your behalf, nor take any action that impedes or disrupts any interview, meeting, or the university's investigation and resolution of a complaint. *If you are a respondent* and your advisor is your union representative, the union representative may seek clarification of questions, ask you questions eliciting further relevant information, and may suggest other witnesses to be interviewed. The only time that an advisor may otherwise participate is as described in the rules for the live hearing portion of the Title IX Process.

If you intend to bring an advisor to an interview or meeting, we ask that you complete



the [Advisor Designation Form](#)  and return it to OICRC before your first OICRC interview or meeting.

### **OICRC communication with Complainants, Respondents, and advisors:**

OICRC will communicate directly with Complainant and Respondents. OICRC will not communicate in writing with advisors except regarding scheduling. Once the [Advisor Designation Form](#)  is completed by a Complainant or Respondent requesting that an advisor be copied, OICRC will make reasonable efforts to copy advisors on communications sent to a Complainant or Respondent.

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## Workplace Fairness Requirements

State law makes it an unlawful employment practice for employers to discriminate on the basis of an individual's race, color, religion, sex, sexual orientation, national origin, marital status, age, and/or disability, and such claims arising on or after September 29, 2019, are subject to a five-year statute of limitations. Anyone who experiences workplace harassment may seek redress from the university by [submitting a complaint \(/how-report\)](#) to the Office of Investigations and Civil Rights Compliance. The university promptly investigates all reports of workplace harassment pursuant to the processes set forth above. The university shall follow up with Complainants who allege workplace harassment once every three months for the calendar year following the date on which the university receives the report of harassment, to determine whether the alleged harassment has stopped or if the Complainant has experienced retaliation, unless the Complainant objects to such action in writing. Individuals who experience workplace harassment may also seek relief through the Bureau of Labor and Industries' complaint resolution process under ORS 659A.820 to 659A.865, or in a court of law. Legal claims against the university or any other public body must comply with ORS 30.275, which requires a notice of tort claim within 180 days of the alleged loss or injury.

Pursuant to state law, the university may not require or coerce an employee to enter into a nondisclosure or non-disparagement agreement. However, an employee may voluntarily request to enter into an agreement that includes a nondisclosure, nondisparagement, or no-rehire provision. Employees who enter into such agreement will have at least seven days to revoke any such agreement. Employees are encouraged to document any incidents involving conduct that constitutes prohibited discrimination under state and federal law. See ORS 659A.001 et seq.

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## Remedial Action

In cases involving discriminatory misconduct or respectful workplace violations, the Chief Civil Rights Officer and/or Chief Human Resources Officer may review the complaint, investigation report and/or any sanction to determine whether additional remedies for the parties or university community are necessary to restore and preserve equal access to the university's education programs and activities, or to maintain a respectful workplace. Examples of such remedies may include the continuation or initiation of supportive measures, facilitated dialogues, and/or training for members of the university community, as well as modifications to academic, employment, or housing conditions or assignments.

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## NSF Notification Requirements Regarding Harassment and Sexual Assault

On September 21, 2018, the National Science Foundation (NSF) published in the Federal Register a final notice of a new award “[term and condition regarding sexual harassment, other forms of harassment, and sexual assault \(https://www.federalregister.gov/documents/2018/09/21/2018-20574/notification-requirements-regarding-findings-of-sexual-harassment-other-forms-of-harassment-or\)](https://www.federalregister.gov/documents/2018/09/21/2018-20574/notification-requirements-regarding-findings-of-sexual-harassment-other-forms-of-harassment-or).” The term and condition is effective October 22, 2018. On and after that date, new NSF awards and funding amendments to existing awards are subject to the notification requirement. Accordingly, the university must notify NSF promptly of allegations and findings of “sexual harassment, other forms of harassment, or sexual assault” against an NSF-funded principal investigator (PI) or co-PI, as well as interim administrative actions imposed by the university (e.g., administrative leave or curtailment of certain university duties).

The requirement to notify NSF applies to allegations of harassment, sexual harassment, and sexual misconduct. Harassment for the purposes of these procedures is defined as harassment of individuals protected under federal civil rights laws. This includes harassment based on race, color, religion, sex, pregnancy status, sexual orientation, sexual identity, national origin, age, disability and genetic information. Sexual harassment and sexual misconduct are defined in the university's Prohibited Discrimination and Retaliation policy, V.11.02. Where the university intends to initiate an investigation involving a faculty member, the university will take the following actions:

1. Notice of Administrative Action. The university may place a faculty member on administrative leave (“Administrative Action”) while allegations of harassment, sexual harassment or sexual misconduct are under investigation. When taking Administrative Action, the university will determine whether the respondent is a PI or co-PI on any current NSF award(s), including sub-award(s). Administrative Action does not occur in all cases involving allegations of harassment.
2. Notification to NSF re Administrative Action. If the respondent is a PI or co-PI on any NSF award(s), including sub-award(s), NSF will be notified within ten (10) business days of the Administrative Action, in accordance with NSF requirements (presently via the “Organizational Notification of Harassment Form” on the NSF website). The notification will describe the Administrative Action and the reasons for it but will not identify the complainant or witnesses.
3. Notification to NSF re Finding of Responsibility. If a respondent who is a PI or co-PI on any NSF award(s), including sub-award(s), is found responsible for violating a university policy prohibiting harassment, sexual harassment, or sexual misconduct, NSF will be notified within ten (10) business days of such final determination of responsibility in accordance with NSF requirements (presently via the “Organizational Notification of Harassment Form” on the NSF website). NSF will also receive notice where the university determines that no policy violation occurred.

## **INVESTIGATION PROCESSES** ([/INVESTIGATION-PROCESSES](#))

### **Employee Formal Process** ([/formal-employee-investigation-process](#))

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### **Student Standard Operating Procedures** ([/formal-student-conduct-process](#))

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### **Information for Students** ([/information-students](#))

To report an act of gender discrimination, sexual assault, sexual violence, dating or domestic violence, or stalking contact any of the following campus and community resources:

**UO Police Department** (<https://police.uoregon.edu/>)

541-346-2919 or DIAL 9-1-1

**Office of Civil Rights** (<https://www2.ed.gov/about/offices/list/ocr/index.html>)

**U.S. Department of Education, Western Region**

2141 E. 15th Ave.  
Eugene, OR 97403

206-607-1600  
[ocr.seattle@ed.gov \(mailto:ocr.seattle@ed.gov\)](mailto:ocr.seattle@ed.gov)

**U.S. Department of Homeland Security  
Office for Civil Rights and Civil Liberties  
Compliance Branch**

245 Murray Lane, SW, Building 410, Mail Stop  
#0190

Washington, D.C. 20528

Fax: 202-401-4708

[CRCLCompliance@hq.dhs.gov](mailto:CRCLCompliance@hq.dhs.gov)

[\(mailto:CRCLCompliance@hq.dhs.gov\)](mailto:CRCLCompliance@hq.dhs.gov)

**Director, EO Complaints and Programs  
NASA Headquarters  
Office of Diversity and Equal Opportunity**

300 E St. SW

Rm. 6P83

Washington, DC 20546

[hq-civilrightsinfo@mail.nasa.gov \(mailto:hq-civilrightsinfo@mail.nasa.gov\)](mailto:hq-civilrightsinfo@mail.nasa.gov)

**Report a Concern** (<https://www.uoregon.edu/reportaconcern>)

**Website Maintenance** (<https://uoregon.sharepoint.com/sites/PresComms>) *(Internal use only)*

**Office of Investigations and Civil Rights Compliance**

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[Contact Us \(/our-team\)](/our-team)

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[Report a Concern \(https://uoregon.edu/reportaconcern?utm\\_source=banner-module&utm\\_campaign=banner\)](https://uoregon.edu/reportaconcern?utm_source=banner-module&utm_campaign=banner)

[Nondiscrimination and Title IX \(https://investigations.uoregon.edu/nondiscrimination?utm\\_source=banner-module&utm\\_campaign=banner\)](https://investigations.uoregon.edu/nondiscrimination?utm_source=banner-module&utm_campaign=banner)

[Accessibility \(https://uoregon.edu/accessibility?utm\\_source=banner-module&utm\\_campaign=banner\)](https://uoregon.edu/accessibility?utm_source=banner-module&utm_campaign=banner)

[Privacy Policy \(https://registrar.uoregon.edu/records-privacy?utm\\_source=banner-module&utm\\_campaign=banner\)](https://registrar.uoregon.edu/records-privacy?utm_source=banner-module&utm_campaign=banner)

[Careers \(https://hr.uoregon.edu/jobs/available-positions?utm\\_source=banner-module&utm\\_campaign=banner\)](https://hr.uoregon.edu/jobs/available-positions?utm_source=banner-module&utm_campaign=banner)

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