

Equal Opportunity Policy Statement

Equal opportunity at Reed College is the fundamental philosophy that has characterized the college since it was founded. All relationships with the college are based on personal merit.

The college will not discriminate on the basis of individual characteristics of race, color, religion, sex, age, disability, veteran status, marital status, sexual orientation or any other characteristic protected by applicable state or federal law.

The college maintains a strict policy that prohibits harassment in any form prohibited by law.

Oregon Civil Rights Law (Chapter 659A):

It is unlawful for a public or private employer to refuse to hire, or to fire, or to discriminate against an individual in compensation, terms, conditions, or privileges of employment for protected categories, which include:

race	age (18 or older)	application for workers compensation benefits
color	disability	opposition to safety/health hazards
religion	marital status	expunged juvenile record
sex	family relationship	service in uniformed service
sexual orientation	gender identity	genetic history
national origin	association with anyone in a protected class	
requesting or taking leave protected by law	aiding in a civil or criminal proceeding	

It is also unlawful to refuse to grant an eligible employee's request for a pregnancy leave, parental leave of absence, family medical leave or other forms of leave protected by law.

It is also unlawful to discriminate against an employee who has in good faith reported information that the employee believes is evidence of a violation of a state or federal law.

City of Portland:

It is unlawful to discriminate against an employee on the basis of sexual orientation or gender identity.

Federal Laws:

- 1) Title VII of the Civil Rights Act of 1964 prohibits discrimination and/or harassment on the basis of race, color, sex, religion, national origin.
- 2) Equal Pay Act of 1963 prohibits different rates of pay based on sex.
- 3) Age Discrimination in Employment Act prohibits discrimination on the basis of age for people 40 years and older.
- 4) Rehabilitation Act of 1973 Section 504 prohibits discrimination on the basis of a disability.
- 5) Rehabilitation Act of 1973 Section 503 requires affirmative action in employment for disabled people.
- 6) Vietnam Era Veterans Readjustment Act of 1974 requires affirmative action in employment for Vietnam veterans and disabled veterans.
- 7) Executive Order 11246 as amended requires affirmative action in employment for women and minorities.
- 8) Civil Rights Act of 1991 grants the right to a jury trial and remedies of compensatory and punitive damages for intentional discrimination based on sex, religion or disability, and in some cases for intentional discrimination based on race and national origin.

The Americans with Disabilities Act (ADA) of 1990 is a federal law which includes Title I, Employment; Title II, Public Service; Title III, Public Accommodations operated by Private Entities; Title IV, Telecommunications; and Title V, Miscellaneous Provisions.

The Genetic Information Nondisclosure Act prohibits discrimination on the basis of genetic information or family medical history.

Federal statutes also protect certain types of leave such as family leave and leave relating to military service and prohibit discrimination for requesting or taking such leave.

Title I, Employment:

On July 26, 1991, the Equal Employment Opportunity Commission (EEOC) issued regulations implementing the employment provisions of the ADA.

The regulations define a disability in the same way that the Rehabilitation Acts define handicap if the individual:

- 1) has a physical or mental impairment that substantially limits one or more major life activities;
- 2) has a record of such an impairment; or
- 3) is regarded as having such an impairment.

Physical or mental impairment includes any physiological disorder, condition, cosmetic disfigurement or anatomical loss affecting certain body systems, as well as mental or psychological disorders, such as mental retardation, emotional or mental illness, and specific learning disabilities.

Major life activities are those activities that the average person in the general population can perform with little or no difficulty. These activities include caring for oneself, walking, seeing, hearing, speaking, breathing, learning, and working in a class of jobs.

To determine whether a major life activity is substantially limited the following are considered:

- 1) the nature and severity of the impairment;
- 2) the duration or expected duration of the impairment; and
- 3) the permanent or long-term impact of the impairment.

The employer is obligated under the law to:

- 1) not discriminate against persons with disabilities in any way that adversely affects their opportunities or status;
- 2) not retaliate in any way; and
- 3) make reasonable accommodations unless those accommodations would create an undue hardship for the employer.

"Undue hardship" is defined as an action requiring significant difficulty or expense, when considered in light of:

- 1) nature and cost of the needed accommodation;
- 2) overall financial resources of the facility; the number of employees; the effect on expenses and resources, or the impact on the operation;
- 3) overall financial resources of the employer; the overall number of employees; the number, type and location of facilities; and
- 4) the type of operation.

Sexual and Other Forms of Prohibited Harassment

Policy statement:

(Policy statement approved by the faculty in May, 1993 and Board of Trustees in April, 1994; staff procedures approved by President in May, 1993)

Reed College is committed to creating and maintaining a community in which students, faculty, and staff can work, live, and learn together in an environment free of sexual or other forms of legally prohibited harassment.

Membership in this community, as governed by the Honor Principle, imposes on students, faculty, and staff an obligation to respect the dignity and autonomy of others, to treat one another civilly and without regard to factors irrelevant to participation in the life of the college. These obligations derive from the necessity to protect both individuals and academic freedom. The college 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. Community members are reminded by the preamble to the Community Constitution of the interrelationship between academic freedom and honorable conduct, both of which are central values of the college:

"We declare our commitment to responsible and honorable conduct in academic and community affairs, and we reaffirm one another's rights to freedom of inquiry and expression in course work, scholarship, and the day-to-day life of the Reed community. Since such freedom requires an atmosphere of trust and mutual confidence, we further declare that dishonesty, intimidation, harassment, exploitation, and the use or threat of force are incompatible with the preservation of this freedom."

Sexual harassment compromises academic freedom and damages the trust that we must all repose in one another. Furthermore, sexual harassment is a violation of local, state, and federal law. Reed College will therefore take all necessary actions to prevent sexual harassment. In cases where sexual harassment has occurred, the college is prepared to issue sanctions and take the steps necessary to prevent its recurrence.

Sexual advances, requests for sexual favors, sexually directed remarks, or other conduct of a sexual nature constitute harassment when:

1. such conduct occurs under circumstances implying that one's response might affect academic or personnel decisions that are subject to the influence of the person engaging in the conduct;
2. such conduct directed against an individual persists despite its rejection; or such conduct directed against an individual is unwelcome, and the person engaging in the conduct knew or should have known the conduct to be unwelcome; or
3. such conduct has the purpose or effect of substantially interfering with an individual's academic or work performance, or is so pervasive or severe that it creates an intimidating, hostile, or offensive environment.

Sexual harassment can take many forms. Some of these are overt and unambiguous while others may be more subtle and indirect. Direct forms of sexual harassment, such as sexual assault, or sexual advances in an academic or employment context accompanied by an offer of reward or threats of reprisal, constitute serious misconduct. A single incident of such behavior establishes grounds for complaint. Other forms of sexual harassment include sexual advances, physical or verbal, that are repeated and unwanted. More subtle forms of behavior, such as innuendoes and jokes of a sexual nature, may constitute sexual harassment when they contribute to an intimidating, hostile, or offensive environment.

The college prohibits sexual harassment. This prohibition includes peer harassment among students, faculty, or staff. Sexual harassment by a faculty member of a student, or by a supervisor of a staff member or student employee is particularly serious.

No one at the college should reprimand, or retaliate, or discriminate against an individual for rejecting sexual advances or for having initiated or participated in the resolution of an inquiry or complaint regarding sexual harassment.

When both parties have consented at the outset to a romantic or sexual involvement, such consent does not preclude a charge of sexual harassment for subsequent unwelcome conduct of a sexual nature.

Romantic or sexual relationships that might be appropriate in other contexts may, within the college community, create the appearance or fact of an abuse of power or of undue advantage.

Because those who teach are entrusted with guiding students, judging their work, giving grades for courses and papers, and recommending students, instructors are in a particularly delicate relationship of trust and power. This relationship must not be jeopardized by possible doubt of intent, fairness of professional judgment, or the appearance to other students of favoritism. It is therefore inappropriate for faculty to have romantic or sexual relationships with students. Similar considerations render it inappropriate for faculty or staff to have romantic or sexual relationships with employees over whom they have supervisory authority. Sensitivity to possible conflicts of interest, or to misuse of power, is necessary in cases of other romantic or sexual relationships where one partner may be in a position of power or authority over another (which can occur between faculty and staff, staff and students, or within the staff, student body, or faculty).

The college will strive to educate its members about issues of sexual harassment, and in determinations of whether conduct constitutes such harassment, it will be guided by a standard of reasonableness, and consideration of all the circumstances of the conduct in question.

Procedures for the resolution of complaints:

All members of the community have an obligation to inform themselves about the nature and definition of sexual harassment, in order to recognize and take steps to prevent sexual harassment and to distinguish sexual harassment from other forms of behavior.

The college has both principled reasons and a legal obligation to investigate possible violations of its sexual harassment policy. When a faculty member, dean, or supervisor has reason to believe that a violation of the sexual harassment policy may have occurred, he or she must inform the Dean of the Faculty, the Dean of Students, or another designated officer of the college, or otherwise initiate the published procedures of the college, regardless of the wishes of any complainant. Students who are unsure whether they wish such procedures to be initiated may undertake confidential preliminary discussions of possible violations with a counselor in the Counseling Center. Faculty and staff may similarly undertake confidential discussions with a counselor through the Employee Assistance Program; however this should not be a substitute for reporting any incidents of harassment to the proper college authorities.

The Honor Principle and the traditions of Reed College encourage the informal resolution of complaints. Informal resolution may occur through direct discussion, through mediation under the auspices of the Honor Council, or with advice obtained from a designated officer of the college (a list of such officers is published, and may be obtained from the office of the President). Without feeling constrained by specific definitions, any person who believes that his or her educational or work experience is compromised by sexual harassment may discuss the problem with a faculty member, dean, or supervisor, and may request that faculty member, dean, or supervisor to speak informally to the person complained about. At any time in the course of an effort at informal resolution, either the complainant or the accused may ask that the matter under discussion be handled formally rather than informally.

Complainants wishing advice about how to proceed with a complaint should consult a member of the Honor Council or a designated officer of the college. Any complainant who believes that informal resolution is impossible or inappropriate has the right to file a formal complaint and have that complaint addressed according to the published procedures of the college. Such a complainant should file the formal complaint as quickly as possible after the events giving rise to the complaint, since failure to do so may make it difficult or impossible to resolve the matter. When the person

accused of harassment is a student, a formal complaint should be filed according to the procedures of the Student Judicial Board Code. When the person accused of harassment is a staff employee of the college, the Director of Human Resources or the Vice President/Treasurer should guide a complainant through the appropriate process of the staff procedures. When the person accused of harassment is a faculty member, formal complaints should be filed with the Dean of the Faculty or his or her designee, and shall be addressed according to Sections F and G of the Rules of Procedure of the Faculty. These procedures are in addition to, and not a replacement for, other remedies (civil or criminal) for sexual harassment.

Formal complaint procedures for staff:

The procedures which are described herein are applicable to the internal governance of Reed College. They are not a replacement for normal staff supervisory authority, nor do they replace the right of the college to initiate an inquiry or investigation when a formal complaint has not been made.

In these matters, confidentiality is important but cannot be guaranteed. Confidentiality will be maintained to the extent it is reasonably possible to do so.

Personal advisers/representatives

Parties involved in a complaint may be assisted by an adviser of their choice who must be a Reed community member. The role of the adviser is to provide support and assistance to the individual and serve as a participatory adviser during any proceeding or hearing that may lead to corrective action.

This provision in no way restricts parties from seeking outside advice and/or consultation with representatives of their choosing, including legal counsel. However, such representatives may not participate in the college's internal proceedings.

Anonymous complaints

Anonymous complaints will be accepted but are not encouraged. An investigation will be conducted to the extent possible and deemed necessary. However, it is often the case that the full facts cannot be gathered in such an investigation, and the results are likely to be far less effective.

Who may initiate a complaint

A complaint may be initiated by any community member, not just by the individual or individuals to whom the alleged harassment has been directed.

Where to file a complaint

Formal complaints may be made either in writing or orally. The Offices of the Dean of the Faculty, Dean of Students, and Human Resources are authorized to receive formal complaints of harassment on behalf of the college.

In the case of a complaint against a Vice President or the Director of Human Resources, the President's Office is also authorized to receive a complaint.

The initial complaint

The elements to be included when filing a formal complaint are:

1. name and status of the individual filing the complaint;
2. name and status of the individual against whom the complaint is filed;
3. a brief statement of the event or events which are the cause of the complaint;
4. if the complaint is in writing, the signature of complainant and date of filing of the complaint.

Emergency action

In the event there are reasonable grounds to believe that an individual poses a threat to other members of the Community, the President or appropriate Vice President may suspend a staff member and bar his/her access to campus, or may permit limited access under terms as designated.

This provision in no way limits a supervisor's right to discipline or discharge.

Notification to accused

The individual against whom a complaint has been filed will be notified of the complaint within two (2) business days, or as quickly as feasible. Notification will be the responsibility of the Human Resources Office in the case of a staff member being accused, Dean of Students' Office in the case of a student being accused, and the Dean of the Faculty's Office in the case of a faculty member being accused.

Investigation

When the accused is a staff member, the Director of Human Resources or his/her designee will conduct a thorough investigation. When the accused is the Director of Human Resources, the Vice President/Treasurer will appoint an investigator. The investigation will normally consist of interviews with both the complainant and accused and with witnesses and others who may have knowledge, and a review of pertinent documentation.

Failure to cooperate with or interference in an investigation may result in discipline up to and including discharge.

The investigation will proceed as quickly as possible.

Investigative report

At the conclusion of the investigation, the Director of Human Resources or his/her designee will prepare a report that summarizes all the pertinent information and a determination as to whether there is evidence of sexual harassment. Individuals interviewed, other than the complainant and accused, will not be identified by name in the report.

The original of the report will be hand-delivered to the appropriate Vice President or his/her designee and one copy will be retained in the Office of Human Resources. In the case of a complaint against a Vice President, the report will be delivered to the President. In the case of a complaint against the President, the report will be delivered to the Chair of the Board of Trustees. The report will be available to the complainant and to the accused only if requested by either party in writing to the Human Resources Office.

Response to complainant and accused

The appropriate Vice President/President/Chair will mail to the local home addresses of the complainant and the accused a letter that may include but is not limited to the following elements:

1. a statement as to whether there was or was not evidence of sexual harassment or other inappropriate behavior;
2. if there was evidence, a statement indicating the harassment will immediately cease;
3. what steps the complainant may take in the event of continued harassment or retaliation;
4. a reference to the grievance procedure in the event either party disagrees with the conclusions.

A copy of this letter will not be included in the accused's personnel file unless there is evidence of harassment or other inappropriate behavior.

Evidence of sexual harassment or other inappropriate behavior

Decisions as to sanctions and conditions imposed will be made by the appropriate supervisor and/or the appropriate Dean/Vice President/President.

The individual will be notified immediately in writing with a copy for the personnel file that the harassment is to cease. In addition, appropriate steps will be taken that may include but are not limited to a recommendation the individual seek counseling, transfer to another work location, additional training, disciplinary action, or discharge.

Retaliation

Any attempts at retaliation from any party will not be condoned and will be dealt with swiftly. Possible sanctions will include discipline and discharge.

Grievance procedure

Either the complainant or the accused may file a grievance if in disagreement with the results and conclusion of the letter of response to both parties. The grievance must be filed in writing, with the President of the college within seven (7) working days of the date of the letter of response to both

parties, stating why the employee believes the results and conclusion are unsatisfactory. The President shall review the record and investigate further if deemed necessary. The President shall make a decision in the matter which will be final and binding on all parties.

Other forms of harassment

This policy relating to sexual harassment shall also apply to all other forms of harassment prohibited by law.