

# WESTERN OREGON --- UNIVERSITY

Affirmative Action Plan  
2009 - 2011 Biennium

**WESTERN OREGON UNIVERSITY**  
**AFFIRMATIVE ACTION PLAN**  
**2009-2011 BIENNIUM**

**I. Table of Contents**

**II. Description of Agency (Include Organizational Chart)**

**III. Affirmative Action Plan**

- A. Agency Affirmative Action Policy
- B. Status of Contracts to Minority Businesses (ORS 659A.015)
- C. Training, Education, Development Plan and Programs
- D. Status of Cultural Competency Assessment/Implementation

**IV. Roles for Implementation of Affirmative Action Plan**

- A. Responsibilities and Accountabilities

**V. 2007 – 2009**

- A. Accomplishments
- B. Progress made or lost since previous biennium

**VI. 2009 -2011**

- A. Goals
- B. Strategies and time lines for implementation

**VII. Appendix A**

- A. Consensual Relationships
- B. Discrimination and Harassment
- C. Employee Assistance Program
- D. Accommodations: Planning and Remodels/Renovations
- E. Disability Documentation
- F. Learning Disability Eligibility
- G. Provision of Support Services and Accommodations: Community Members
- H. Provision of Support Services and Accommodations: Faculty and Staff
- I. Reasonable Accommodation Policy
- J. Employee Accommodation Request Form
- K. Employee Training and Development
- L. Staff Development Fund Request

**VIII. Appendix B**

- A. Age Discrimination in Employment Act of 1967 (ADEA)
- B. Disability Discrimination Title I of the Americans with Disability Act of 1990
- C. Equal Pay and Compensation Discrimination Equal Pay Act of 1963, and Title VII of the Civil Rights Act of 1964
- D. National Origin Discrimination Title VII of the Civil Rights Act of 1964
- E. Pregnancy Discrimination Title VII of the Civil Rights Act of 1964
- F. Race/Color Discrimination Title VII of the Civil Rights Act of 1964
- G. Religious Discrimination Title VII of the Civil Rights Act of 1964
- H. Retaliation Title VII of the Civil Agency Affirmative Action Policy
- I. Sex-Base Discrimination Title VII of the Civil Rights Act of 1964
- J. Sexual Harassment Title VII of the Civil Rights Act of 1964

**IX. Appendix C**

- A. Organizational Chart

## **Section I. Description of your agency (include organizational chart)**

Western Oregon University (WOU) is a comprehensive public liberal arts institution that is one of the seven universities making up the Oregon University System. The university is located in the Monmouth-Independence area in the heart of Oregon's Willamette Valley.

Western Oregon University has approximately 775 employees that support a student body of about 4500 undergraduates and 500 graduates. As a public institution dedicated to strengthening the region and Oregon, WOU is home to the nationally-renowned Teaching Research Institute, the Regional Resource Center on Deafness and the Rainbow Dance Theatre. In addition to teaching, WOU's faculty members are engaged in wide-ranging scholarship as well as community-based projects, including many faculty-student collaborations.

WOU, the oldest institution in the Oregon University system, has continued to adapt and transform itself to respond to the needs of society and our changing world. From its origins as a normal school, WOU grew to become a nationally recognized leader in teacher preparation. In the seventies, WOU expanded its offerings with broad-based liberal education programs. The university's student population is distributed with approximately two-thirds of its students in the College of Liberal Arts and Sciences and the rest in the College of Education.

## **Section II. Affirmative Action Plan & Policy**

Western Oregon University's Affirmative Action Plan was developed to aid the university achieve diversity in employment and education programs. This plan is intended to establish an academic and work environment that will attract and retain employees and students who represent the broadest spectrum of society including, but not restricted to, women, minorities, and individuals with disabilities.

The Western Oregon University Affirmative Action Plan is designed to:

- Reaffirm the university's policy of nondiscrimination and affirmative action;
- Identify affirmative action goals and action plans for achieving diversity;
- Provide program specifics for promoting and assuring equal opportunity;
- Communicate the president's commitment to equal employment opportunity and affirmative action principles; and
- Demonstrate continued "good faith" efforts.

### Affirmative Action/Equal Employment Opportunity Policy

- Purpose  
The purpose of this policy is to comply with mandatory affirmative action efforts placed on institutions of higher education and to reinforce Western Oregon University's dedication to have a diverse campus free of discrimination.
- Policy  
Western Oregon University is dedicated to providing an open learning and working environment for all its citizens. WOU is strongly committed to Affirmative Action and Equal Employment Opportunity both in policy and in spirit. The university will not tolerate harassment against any member of the campus community.
- Procedures  
Follow the procedures outlined in the Procedures for Discrimination or Harassment Complaints found in the Affirmative Action Plan, New Employee Orientation Packet, or obtain a copy in the Affirmative Action Office.
- Authority  
WOU is in accordance with Executive Order 11246 (as amended 11375) for Affirmative Action (AA), the Civil Rights Act of 1964 (Title VII) for Equal Employment Opportunity (EEO) and Oregon Revised Statutes 243.305 for both AA and EEO. Additionally, the following laws pertain: Equal Pay Act of 1963, Education Amendments of 1972 (Title IX), Americans with Disabilities Act and the Rehabilitation Act of 1973, Age Discrimination in Employment Act of 1967, and ORS 243.315, 279.053 and 352.380.

- Responsibility  
Responsibility is placed upon administrative personnel to create and maintain an environment free of harassment be it based on race, color, sex, marital status, religion, national origin, age, mental or physical disability, sexual orientation, gender, or any reason prohibited by federal or state law.

#### Status of Contracts to Minority Business (ORS 659A.015)

WOU has the authority to award contracts and does so in accordance with State statute. Those responsible for the awarding of contracts on campus are aware of the need to be responsive to equal opportunity considerations. We have awarded one contract to a minority business between November 1, 2006 and December 31, 2007 related to construction, service greater than \$5,000 for a total of \$8,900. Additionally, the university contracts with Office Max and Office Depot for office supplies. Both companies offer supply choices that come from minority businesses.

#### Training, Education, Development Plan and Programs

Students – Trainings (diversity, cultural awareness, etc.) include, but are not limited to:

- WOU has a cultural diversity requirement for all BA/BS degree-seeking students where they must successfully complete six (6) hours of cultural diversity course work.
- An interdisciplinary minor in Chicano-Chicana studies offered to provide students with increased opportunities to study issues of race, culture and ethnic diversity.
- The College of Education has developed, piloted, and is using a culturally sensitive scenario during undergraduate applicants' interviews to ascertain entering students' awareness of the need for culturally responsive teaching.
- The teaching documents used in the College of Education include focus on diversity in all aspects of teaching (cultural modeling).
- The College of Education offers a course entitled "Environment of Diverse Learners." This three-credit course focuses primarily on multicultural considerations, diversity issues, and special needs students.
- Students in the MAT program received over 12 hours of diversity training while enrolled in ED 518 Multiple Intelligences and Multicultural Education.
- Field experiences in settings with diverse and exceptional populations are designed for candidates to develop and practice their knowledge, skills, and dispositions for working with all students.
- Diversity Peer Educators – Provide training to other students
- Study abroad and student exchange opportunities.
- Service Learning opportunities, such as Habitat for Humanity, Soap Kitchens, etc.

Faculty - Trainings (diversity, cultural awareness, etc.) include, but are not limited to:

- The College of Education has a Diversity Committee with over 12 committee members that serve as a planning arm to assist the College in taking a closer look at the curriculum and resources used in our programs and to support efforts to further our understanding of diversity within the context of our work.
- The Communication Studies department with the Humanities Division in the College of Liberal Arts and Sciences offers the "Conversation Partners" program which matches up domestic and international students to engage in interpersonal dialog and exchange about respective cultures.
- Faculty have received training on how to design websites to improve access for persons with visual impairments or other disabilities.
- Faculty exchanges.
- Brown-bag lunch sessions to train and discuss Americans with Disabilities Act issues.
- Brochures on sexual harassment, access for individuals with disabilities, how to deal with students with disabilities, and affirmative action conduct in the everyday work place.
- The *Disabilities Services Faculty and Staff Handbook* provides helpful information about persons with disabilities and providing accommodations.
- Internationalization of curricula and participation in international and intercultural experiences.
- The WOU Office of Human Resources and Affirmative Action offers regularly scheduled orientation seminars for new faculty and staff in order to improve campus awareness and commitment to enhancing the learning environment for ethnically diverse student populations. Greater effort is being made to assure that a diverse audience is being reached with every recruitment for faculty and staff position vacancies.

Staff - Trainings (diversity, cultural awareness, etc.) include, but are not limited to:

- Monthly New Employee Orientation sessions for all classified and Professional Non-teaching faculty are used to introduce campus policy on affirmative action, sexual harassment, consensual relationships, and disability services.
- Affirmative Action workshops conducted for management and supervisory employees covering topics such as diversity, the Americans with Disabilities Act, and sexual harassment.
- A discussion/book group is periodically organized (with the assistance of the Director of the Center of Teaching and Learning) on subjects which influence staff support for students. The APSC staff are currently reading a book and discussing ways on how to break the cycle and effects of generational poverty experienced by a number of the students who attend the university.

Internal & External - Trainings (diversity, cultural awareness, etc.) include, but are not limited to:

#### Internal

- Copies of the Affirmative Action Plan will be maintained in the Hamersly Library, and in the offices of the President, the Provost, and the Director of Human Resources.
- The Equal Employment Opportunity/Affirmative Action Policy statement shall be posted conspicuously on appropriate bulletin boards and published in internal publications, such as the faculty/staff newsletter, student newspaper, handbooks, or policy and procedures manuals for distribution to employees.
- The policy shall be thoroughly discussed in the orientation of employees and internal management training programs.
- Affirmative Action shall be an agenda item, at least annually, at a meeting of the administrative staff with the president, and at a meeting of college directors and department chairs.
- The Director of Human Resources and Affirmative Action Officer shall distribute any information affecting the affirmative action or equal opportunity programs to the appropriate parties in a timely manner.
- The Director of Human Resources and Affirmative Action Officer shall meet with each search committee at its inception to review and re-emphasize the policy and procedures of the university in terms of equal employment opportunity.
- Any employee organization that has a collective bargaining agreement with the university shall receive a copy of the abridged affirmative action plan and notification that the Director of Human Resources and Affirmative Action Officer is available to discuss the plan with members of the employee organization.
- Diversity Awareness Month – Activities offered throughout the month
- Support group for faculty and staff of color
- Brown Bag workshops – Dealing with student psychological and emotional issues
- Membership in Hispanic Association of Colleges and Universities

#### External

- The Director of Affirmative Action in the Office of the Governor, and the Compliance Officer and Personnel Officer in the Oregon University System shall be provided with copies of the affirmative action plan.
- All regular recruiting sources shall be provided with a copy of the Equal Employment Opportunity/Affirmative Action Policy statement and be notified that a copy of the plan will be provided upon request.
- All applicants for employment at the university shall be advised of the university's affirmative action and equal employment opportunity policy.
- All publications, including advertisements or announcements, shall contain a reference to the university's commitment to affirmative action and equal employment opportunity.
- Language in official press releases shall be of a nondiscriminatory form and style.
- All bidders, contractors, subcontractors and suppliers of materials shall be notified of the university's Affirmative Action Policy. Notice shall include a statement that the university will not knowingly do business with any bidder, contractor, subcontractor, or supplier of materials who discriminates against members of any protected class.
- Each department of the university shall initiate and undertake aggressive and positive activities to ensure that affirmative action goals are met.
- Efforts must include, but are not limited to:
  - Maintaining frequent and on-going visits with organizations which represent minorities, women, and persons with disabilities.
  - Including protected groups in pictorial representations for university publications and advertising.
  - Documenting good faith, on-going affirmative action efforts and supporting documents.

## Status of Cultural Competency Assessment/Implementation

Student Affairs did administer the National Survey of Student Engagement in Spring 2005, which included questions related to cultural competency. The College of Education developed and administered a cultural competency assessment survey beginning in 2004. Other smaller surveys have been completed, usually in conjunction with the cultural diversity courses offered within the Schools of Liberal Arts & Sciences and Education. The university is working to develop a more comprehensive plan for cultural competency assessment.

## **Section III Roles for Implementation of Affirmative Action Plan**

**PRESIDENT OF WESTERN OREGON UNIVERSITY:** The president has ultimate responsibility for the affirmative action and equal employment opportunity policies, procedures, and practices of the university.

**DIRECTOR OF HUMAN RESOURCES/AFFIRMATIVE ACTION OFFICER:** In consultation with the Assistant Attorney General assigned to higher education and the Oregon University System Compliance Officer, the Director of Human Resources advises the president and administrative officers as to affirmative action or equal employment opportunity related laws and regulations applicable to any facet of the university's employment, education, or services activities. The director has specific responsibility for implementing the affirmative action program for unclassified professional and classified staff, including but not limited to recruiting, hiring, promoting, and training.

By appointment of the president, the Director of Human Resources also serves as the Affirmative Action Officer and is responsible for the coordination and the implementation of the university's affirmative action program. The Affirmative Action Officer's major responsibilities include, but are not limited to, the following:

- Serve as the university's primary liaison with federal and State of Oregon compliance agencies.
- Advise the president and administrative officers on federal equal employment opportunity and affirmative action requirements and the compliance status of the university with regard to these requirements.
- Coordinate the university's affirmative action efforts to assist members of federal and state protected groups who seek employment and other professional or educational opportunities.
- Develop and implement the university's affirmative action and equal employment opportunity policies and procedures.
- Advise the president regarding any conflicts between the university's affirmative action policies and procedures, and applicable federal and State of Oregon laws, and Board of Higher Education rules and regulations.
- Coordinate the affirmative action audit and reporting systems for the monitoring of compliance.
- Assist in identifying barriers to each department's achievements of affirmative action goals and recommend necessary corrective action to the president and administrative officers.
- Review personnel actions and advise the president and administrative officers regarding compliance with federal and state non-discrimination requirements and the university's affirmative action program.
- Review overall progress and problems encountered in the affirmative action program with the president and administrative officers.
- Provide assistance to aggrieved parties (employees and students) in the filing of complaints, initial fact gathering and reporting, and record keeping.

The Director of Human Resources/Affirmative Action Officer, in consultation with the appropriate campus administrative personnel, is responsible for monitoring and evaluating the employment procedures of the university. The Affirmative Action Office will generate a monitoring report on a quarterly basis and its results will be reported and discussed with administrative officers. Monitoring shall include, but not to be limited to:

- Review of applicant flow and hiring data for all position recruitments, and an analysis of adverse impact where it is found to exist
- An analysis of new hires, promotions, terminations, and protected group members participation in employee training opportunities, to be compared with the problem area analysis conducted at the time the plan is prepared;
- Review of internal reports with administrative officers including notification of problem areas and recommendations for corrective action;
- Consideration of changes in goals and objectives to meet the university's changing employment needs;
- Review of affirmative action efforts and accomplishments in the evaluation of all faculty and administration;
- Analysis of the effectiveness of supplemental certification requests and appointments;
- Analysis of discrimination complaints regarding equal opportunity during the reporting period;
- Review of progress on implementation of programs developed to achieve goals; inquiry regarding work climate and affirmative action issues in exit interviews.

PROVOST: The provost has specific responsibility for implementing the affirmative action program for teaching faculty, including but not limited to recruiting, hiring, promoting, and training.

DEANS/DIRECTORS: Deans and Directors have the responsibility of being familiar with the university's affirmative action policies and procedures, to aid in ensuring that searches are conducted in adherence with these policies and procedures, to act as a resource regarding these policies and procedures, and to assist any individual in the processing of a grievance, complaint or request for accommodation

VICE PRESIDENT FOR FINANCE AND ADMINISTRATION: The vice president has specific responsibility for advising all contractors providing goods/services to the university, of the institution's affirmative action program and responsibility for ensuring that such contractors, if not exempt, have appropriate affirmative action programs.

AFFIRMATIVE ACTION ADVISORY COMMITTEE: The committee is advisory and is chaired by the affirmative action officer, the committee's charge is:

- review university policy and procedures and makes recommendations once a year regarding suggestions and changes;
- review the annual statistical report from the prior year and engages in an analysis of it and developing appropriate recommendations;
- monitor and improve as necessary a university web site containing this plan and its policies and procedures, and develops this site as a resource for all employees, especially for those conducting searches;
- identify, support and engage in training activities related to affirmative action.

ADA (AMERICANS WITH DISABILITIES ACT) COORDINATING COMMITTEE: The Vice President for Finance and Administration, Director of Human Resources, and Director of Disability Services for Students, serve as the Americans with Disabilities Act (ADA) Coordinating Committee. Responsibilities include, but are not limited to, coordination and development of programs, plans, and activities to ensure compliance by the university with the Americans with Disabilities Act and to facilitate requests for accommodation by persons with disabilities.

## **Section IV 2007 – 2009**

A. *Accomplishments (Refer back to your 2007 – 2009 “Goals” and report on what has been accomplished from those goals.)*

Western Oregon University is actively working on its affirmative action goals through various programs that focus on recruitment, retention, education, and training. Many of these are the continuation of earlier efforts and are in accordance with WOU's mission statement and 2005-2010 Western Oregon University Strategic Plan. The following are the accomplishments of our on-going affirmative action goals.

***Acquire and keep diverse and distinguished people – Increase the recruitment and retention of outstanding and diverse students, faculty and staff.***

***GOAL: Maintain and enhance support mechanisms for students.***

- The WOU Student Enrichment Grant Program supports students of diverse ethnic backgrounds with academic and career advising services, and special learning equipment (i.e., laptop computers, calculators, cassette recorders, etc.) to make the transition from high school to college easier. SEP also offers free courses for academic credit in math and other academic skill areas to improve the probability of academic success. A peer mentoring and an academic bridge program, sponsored by the university in conjunction with SEP, offer students support on a year-round basis. This program carries an 85 percent graduation rate. The program was expanded to support additional students.
- The Student Enrichment Program provides approximately \$20,000 in “grant aid” to participants which helps bridge of gap in unmet financial need.
- The WOU Office of Academic Advising and Learning Center supports a freshman year program of tutoring and counseling to deal with the inevitable personal and academic issues that often develop for students of color as they enter a majority academic and social environment. The program serves upwards of 70 students annually and yields retention rates consistent with the freshman to sophomore retention rates of majority students.
- A student retention effort has been developed for “at risk” students. This “freshman year experience” program identifies and supports students during their critical first year in college by providing personal and academic counseling as well as academic support services in a variety of academic subject areas including math, science, speech, and writing.

- WOU now hosts innovative telephone systems which allow our deaf students, staff, and faculty to sign to people they call.
- The Multicultural Student Services and Programs (MSSP) office has worked diligently to increase the visibility of the services and programs they have available to students of color and the campus community. These include providing personal support and guidance to enrolled students, assisting with general academic and career advisement, making students aware of scholarship and financial aid opportunities, connecting students to educational resources on and off campus, advising MSU, and assisting with organization and implementation of campus-wide cultural events. The goal of MSSP continues to be to ensure that students of color who matriculate to WOU receive the support to either graduate from this or another institution of higher education.
- On-Track program – Monitors academic progress of students of color at least once a term. The program provides academic and counseling referrals as needed.
- A positive by-product of effective retention programs is increased student involvement in other campus activities. Students of color are increasingly active in campus events like the WOU Advocate program, athletics, student government, and the Big Brother/Big Sister program; serve as residence hall staff; and participate in prospective and new student orientations (i.e. the PLUS team that assists with Preview Days and New Student Week).

***GOAL: Develop academic and non-academic programs to promote diversity and meet the needs of all, especially non-traditional and students of color, staff and faculty.***

***GOAL: Encourage greater participation in and advancement of programs that facilitate understanding and the exchange of people and ideas in international, multicultural and cross-cultural arenas.***

- Bilingual faculty members from a number of disciplines and students studying Spanish have developed student support programs with high-need area high school students and their families to provide both special instruction in English and a social support network to encourage students and families in regard to seeing college as an attainable personal goal.
- On-going recruitment efforts through the Multicultural Student Services office and in collaboration with the Office of Admissions include:
  - Distribution of newly created Multicultural Student Services & Programs information brochure;
  - Coordination and on-going communication with High School Staff who work with students of color, such as Migrant Education Assistants, Cultural Club Advisors, Indian Education Specialists, and Integration Specialists;
  - OUS High School Visitation Program;
  - Community college visitations;
  - Networking with community-based organizations that serve students and communities of color, such as the NAACP, the Oregon Indian Coalition on Higher Education, Hispanics in Unity, Oregon Council for Hispanic Advancement (OCHA) and the Urban League of Portland;
  - Involvement with the Monmouth/Independence Hispanic community;
  - Sponsor and organize year-long cultural events, open to surrounding communities, such as Annual Pow-Wow and Cinco de Mayo Celebration;
  - Coordinate high school & college student conferences: African American Youth Conference, Women of Color Conference, Cesar Chavez Leadership Conference, Oregon Migrant Student Leadership Institute;
  - Bilingual (Spanish/English) presentations on the college process, admission requirements, and financial aid opportunities throughout the state;
  - Coordinate "Making College Happen," Oregon Regional Conferences for Students of Color sponsored by the Oregon University System;
  - Members of WOU's Multicultural Student Union visit local middle schools and high schools to conduct student information sessions; and
  - The director and advisor attend college fairs, leadership conferences, and programs geared towards students of color, such as Urban League Career Awareness Day, OCHA Latino Student College Fair, Native American Leadership Conference, Asian Leadership Conference, and Cesar E. Chavez Leadership Conference.
- The Office of Service Learning & Career Development provides a comprehensive approach to career preparation, professional development, and service to the community through relevant and experiential education opportunities. We aspire to develop aware, engaged, and thoughtful citizens who contribute to the greater community in action, change, and learning. The office is a primary source of service learning, career development, and student employment information and services for Western Oregon University students and faculty, on & off-campus community partners, alumni and job, internship and graduate school recruiters.



The office offers many services: We help connect students with the community, the workforce and the world through:

- Service Learning - Help students find volunteer opportunities, connect faculty with community partners and sponsor community service programming.
- Career Development - Assist students in selecting a major, gaining experience in internships and job shadows, provide job internships search coaching and advice, and graduate school preparation guidance.
- WOU has instituted a number of initiatives to provide increased access to students of diverse ethnicity with special sensitivity to providing support for the growing numbers of college bound Hispanic students.
  - Diversity Achievement Scholarships: Consideration for this scholarship opportunity is given to any new freshman and transfer student from Oregon whose cultural background, life or work experience, or academic preparation and achievement is likely to enhance the diversity of campus life in and outside of the classroom.
  - Upward Bound: WOU is co-partnering with selected Marion and Polk County high schools through its Upward Bound Program to increase high school to college participation rates. This four-year renewable, federally funded grant gives the university access to sixty-five high school students per year. The program strengthens both academic and personal skills necessary for success in college. Upward Bound operates ten months a year on-site in the high schools and for eight weeks each summer on-campus where students live in the university's residence halls and receive classroom instruction that includes regular university faculty. The three-year average of graduating Upward Bound students being admitted to college is 85% and their three-year average college retention rate for these same students is 96%.
  - Student Enrichment Program: WOU provided an additional \$85,000 at the beginning of the 2007-2008 academic year to provide academic support services for an additional 75 students who are first generation college students, come from low income background or individuals who have a documented physical or learning disability. Additionally, SEP hired two educational advisors with bi-lingual skills; one to work with students from Latino backgrounds and one to work with individuals who are deaf and hard of hearing.
  - Special Preview Day: WOU provided a special Preview Day on January 29, 2005 which was designed for parents who are Spanish speaking only. Two special sessions designed for these families as well as special tours and advocates were provided to the families.
  - Office of Admissions: One of the Admissions Counselors is Spanish speaking. The website is also available in Spanish.
  - The Office of Admissions maintains a detailed list of all prospective students of color. These students receive traditional WOU information as well as specific information regarding programs, events, and scholarship opportunities from the Multicultural Student Services & Programs office. Also, prospective students of color receive an invitation from admissions and a follow-up invitation from MSSP to attend campus visitation programs such as ACADEMIA! Preview Day, and Criminal Justice Careers Day. Multicultural Student Union members are encouraged to play an active role during these programs and have participated in the past in student panels and information tables.
  - High school outreach continues to be an important means of attracting students of color to WOU. WOU offers specialized counseling and advising in Beaverton and selected Salem high schools to students indicating they are interested in going to college.
  - Faculty from Chemeketa Community College and WOU College of Education worked together to develop a new articulation agreement specifically for "discovery students" who initially pursue an AA and then discover they want to become licensed early childhood teachers. Not quite half of these students are bi-lingual but many are bi-cultural and 80-90% are first generation College students. Many of these determine for the first time while at CCC that they can be successful in college and desire to further their career goals. We were recently one of two institutions awarded a Lumina grant through the American Association of College for Teacher Education for this collaborative partnership.
  - The Associated Students of Western Oregon University created the Stonewall Center, which is a resource for GLBT students and allies.
  - The Hawaii Club has been reinigorated. The club will be hosting a luau for the first time in four years.

**GOAL: Increase access to and availability of financial support for students.**

- WOU administers a number of scholarships that help attract students of color to attend. These scholarships are merit based, and assist and reward outstanding students of color. The scholarships, coordinated by the Multicultural Student Services & Programs office, include the Diversity Scholarships Program, the Hiatt Scholarship, and the David S. Brody Memorial Scholarship. In addition, to respond to

the need for more minority scholarship support at WOU, increased emphasis is being placed on promoting private giving for minority student financial aid.

- WOU also established on-going collaborations with some federal and state funded programs. These include, the Trio Programs; Educational Talent Search, Upward Bound, and Student Support Services; the Migrant Education Programs in the Portland Metro, Washington and Marion County programs; the College Assistance Migrant Program (CAMP); and The Oregon State University/SMILE Program. By establishing partnerships, these programs have been effective methods of disseminating information regarding Western Oregon University to prospective students of color. In addition, they help demonstrate the university's commitment to support students of color and their pursuit to enter higher education.
- The Admissions Office offers a one-time \$500 scholarship for students entering WOU from an existing precollege or college TRiO program.

**GOAL: Advance the means to increase salaries of faculty and staff to competitive levels.**

**GOAL: Increase flexibility of responsibilities, job assignments, workload and scheduling.**

**GOAL: Improve support, recognition and reward of quality performance.**

- WOU places great importance on effective teaching and scholarly research as major conditions for tenure and promotion. First-year faculty members at WOU often find it challenging to balance a demanding undergraduate teaching load with the university requirement that they continue their growth as publishing scholars. This situation is often more daunting for faculty members of color who may also face additional challenges of adjusting to a majority culture environment. As part of its faculty diversity retention effort, WOU has started two programs.
  - *New Faculty Mentoring.* New faculty members are paired with senior faculty members who act as confidential mentors, answering questions, giving advice, and helping with teaching and research issues that nearly all newly hired faculty have. There is a clear relationship between this type of mentoring during the critical first two years of a new faculty member's career and their successful promotion and tenure. This program has become an important part of WOU's faculty diversity retention initiative. The College of Education mentoring program includes two phases: year one is induction and year two through five is portfolio mentoring.
  - *V Formation* Started in the WOU College of Education, this program attempts to maintain a continuing dialogue between new faculty and senior faculty with established research and publication agendas. The monthly meetings of the seminar include the presentation of papers and research in the pre-publishing stages combined with practical discussions on how to improve written research for publication, how to negotiate the vagaries of editorial boards, and how to match completed papers and research to the most appropriate journals and publishers. The seminar has proven helpful to new faculty and senior faculty alike.
- The university is working to expand its recruitment of minority faculty in various ways. For example, the Affirmative Action Officer reviews applicant pools before candidates are interviewed. Searches may be closed and reopened in instances where there is inadequate representation in the applicant pool. Efforts are made to have reasonable representation of minorities and women on search committees.
- A minority and women vita bank is being developed through faculty networking and advertising.
- There are plans to target certain positions for recruitment where a minority faculty member with a particular academic preparation can contribute to strengthening a program such as sociology, history, literature, or art.
- A Grow Our Own Professor Program has been established in which minority faculty are recruited into the institution in tenure-track positions at the master's degree level with the agreement that they will pursue and complete the doctorate. In exchange for professional and financial assistance, they must agree to remain at WOU for a minimum of two years of service after completing the degree.
- Employees are encouraged and provided with assistance through professional development funds for educational and training experience in order to prepare themselves for advancement opportunities. The employee unions have negotiated contract language which encourages agency support for promotions.
- One of the most important goals for improving retention is to educate and increase awareness in the campus community about the value of diversity in its population. Talents, skills, and unique life experiences, which may include cultural background, color, gender, or disability, create educational benefits in this type of environment. Primary retention methods include providing education and training opportunities as well as support and resources for minority group issues.
- All members of the campus community who want to participate in programs and events and need assistance due to a disability can seek the support of the Office of Disability Services for Students. The Disability Services Office provides accommodations and advocacy for students with disabilities. In addition, it serves as a resource for the campus regarding disability issues for faculty and staff. The office continually works to increase awareness of persons with disabilities and to improve overall campus

accessibility. This office works closely with the Office of Human Resources and Affirmative Action to address accessibility issues when they arise.

- Other campus efforts to retain students and employees range from supporting women's issues by providing programs such as Women's History Week to a gender studies program.
- Campus efforts continue to be reviewed and discussed to recruit and retain faculty, staff, and students of color; campus climate, and the President established a Task Force to make recommendations concerning sexual harassment issues.

These goals will direct and guide the University's efforts toward attaining gender parity and cultural diversity.

## B. Progress made or lost since previous biennium

### Employees

In order to identify and pinpoint the areas on campus where under-representation occurs, data are sorted by job group for this analysis. The Utilization Analysis is a comparison of protected group availability to current workforce for the purpose of determining representation of protected groups. The analysis was done using the Job Group Analysis done for October 2007. The process for determining utilization was an On-Line Internet based application that generates a report that tests for Under Utilization using three different methods. The three methods include the Any Difference Rule, the 80% Rule (Four-Fifths Rule or Adverse Impact Analysis), and the 2-Standard Deviation Rule (a statistical test of the significance of differences found). While this analysis is efficient at identifying the job areas where there are representation shortfalls, it does not give specific detail by individual divisions or departments. Because of institution size and job group distribution across departments, the hiring of one person may make the difference between underutilization or not.

The job groups analyzed were: Executive, Faculty, Other Professional, Clerical/Secretarial, Technical/Professional, Skilled Craft, and Service/Maintenance. The Utilization Analysis indicates that there is no under-utilization of women in the job categories of Faculty, Other Professional, and Clerical/Secretarial. Women are under-utilized in the job categories of Executive, Technical/Professional, Skilled Craft and Service/Maintenance. The utilization of women in the job categories of Technical/Professional and Other Professional have moved in and out of the underutilization category between October 2004 and 2007. The October 2007 analysis indicates that Service Maintenance is the only category that does not underutilize minority groups. This is a loss in progress of the October 2006 analysis that indicated that minorities were not underutilized in two categories, Skilled Crafts and Service /Maintenance.

As of October 2007, the representation of women in the university's workforce increased from 54.5% in 2006 to 55%. The percentage has fluctuated over time. In May 1997 57.78% were women dropping to 55.1% in 2003 and increasing to 56.1% in October 2004. The percentage of minorities in the University's workforce has increased from 9.8% in October 2006 to 21% in October 2007. The percentage of employees of color has increased over the years from 5.97% in 1997 to 8.5% in 2004 and to 9.8% in 2006. The increase from 2006 to 2007 is the greatest since 1997 at approximately 11% in minority representation across the university's workforce.

### Students

Minority representation across the student population has shown a steady increase. The number of Hispanic/Latino and Asian/Pacific Island students of color has shown the largest increases since Fall 2005. Hispanic/Latino student population has increased from 2.0% in 2005, to 6.2% in 2006, and 7.3% in 2007. The Asian student population has increased from 2.0% in 2005, to 3.1% in 2006 and to 6.5% in 2007. These are steady gains. The University's International student populations has increased from 1.2% in 2005 to 4.8% in 2007. The increase in can be attributed to our International Students and Scholars program. The Native American and Black student populations have each remained steady at 1.5%. WOU's international student population has increased to 5% in 2007 from 2% in 2006.


## **Section V 2009 -2011**

Western Oregon University will continue to actively working on its affirmative action goals through various programs that focus on recruitment, retention, education, and training. Many of these are continuation of the efforts listed above. In accordance with WOU's mission statement and 2005-2010 Western Oregon University Strategic Plan the following continue as our affirmative action goals for the future:

Acquire and keep diverse and distinguished people – Increase the recruitment and retention of outstanding and diverse students, faculty and staff.

- Increase access to and availability of financial support for students.
- Maintain and enhance support mechanisms for students.
- Advance the means to increase salaries of faculty and staff to competitive levels.
- Increase flexibility of responsibilities, job assignments, workload and scheduling.
- Improve support, recognition and reward of quality performance.
- Develop academic and non-academic programs to promote diversity and meet the needs of all, especially non-traditional and students of color, staff and faculty.
- Encourage greater participation in and advancement of programs that facilitate understanding and the exchange of people and ideas in international, multicultural and cross-cultural arenas.

# **APPENDIX A**

Policy: <b>Consensual Relationships</b>	
Issuing Department: <b>Human Resources</b>	
Date last revised: <b>April 2006</b>	

## **PURPOSE**

To broadly identify consensual relationships and identify procedures for use by university employees and students when they feel that a relationship has moved into potential sexual harassment.

To be covered by this statement, a relationship must:

1. Appear to be consensual, and
2. Be romantic or sexual in nature, and
3. Develop between two individuals, one of whom has power or authority over the other.

A romantic or sexual relationship that is entered into by two adults when one of the participants has power or authority over the other creates the possibility that the relationship may not be truly consensual, or if consensual, may not permit a later decision by the person with less power to discontinue the relationship out of concern for the possible effect on his/her employment or educational status.

If the relationship is proven to be non-consensual or becomes non-consensual, it should be regarded as potential sexual harassment based on the unwelcome nature of the sexual conduct. Relationships that are not consensual are prohibited under the University's Discrimination and Harassment policy.

For example, consenting relationships that may result in complaints of sexual harassment or sexual favoritism and that create a conflict of interest include those between:

1. A faculty member and a student who is enrolled in the faculty member's course, who is enrolled in a program for which a course taught by the faculty member is a requirement, who is an advisee of the faculty member, or whose academic work is being supervised by the faculty member.
2. A university employee and a student if the university employee is in a position to evaluate or otherwise influence the student's education, employment, housing, or participation in athletics or any other university activity (for example, university employee includes: graduate assistants, administrators, coaches, advisors, program directors, counselors, health center staff, and residential life staff).
3. A supervisor and an employee under the person's supervision; a division/department chair/head and a faculty member in the same division/department; an administrator and an employee in an office/department under that administrator's direction.
4. A tenured faculty member and an untenured faculty member if the tenured person participates in peer recommendations about the untenured person.

5. Not subject to the sexual harassment policy: consensual relationships between two co-workers, two university employees in different departments, two students, or a university employee and a student between whom no professional power differential exists.

## **POLICY**

A romantic or sexual relationship between a university employee and student or between a supervisor and subordinate employee raises serious ethical concerns and can create an unacceptable educational or working environment. The respect and trust accorded a university employee by a student, as well as the power exercised by a university employee in his/her academic or evaluative role, greatly diminish the student's or subordinate's actual freedom of choice should sexual favors be requested. Therefore, university employees are warned against the possible costs of participating in even an apparently consenting relationship.

The university views a romantic or sexual relationship between a university employee and student to be unethical if the employee has any professional responsibility for the student. Likewise, a romantic or sexual relationship between a supervisor and student or subordinate employee whose work is being supervised by that university employee is considered unethical.

## **NON-RETALIATION**

This policy prohibits retaliation against individuals who report concerns about consensual relationships or otherwise participate in the process under this policy. Any student or employee found to have engaged in retaliatory action or conduct will be subject to discipline, up to and including dismissal.

## **PROCEDURES**

A university employee who enters into a consensual relationship with a student or another employee with whom they have an academic or evaluative relationship must:

1. Disclose the relationship to his or her supervisor (division chair, dean, director, vice president, president), and
2. Terminate any situation of authority when the consensual relationship develops or exists.

**Training.** Human Resources will offer ongoing training/awareness sessions and other means of notifying and encouraging employees and students about where they can express concerns regarding actual or potential conflicts of interest resulting from consensual relationships.

## **AUTHORITY**

Policy authority of the President in OAR 580-022-0045; American Association of University Professors (AAUP) Statement of Professional Ethics; Western Oregon University Code of Ethics; ORS 352.

## **RESPONSIBILITY**

The Director of Human Resources/Affirmative Action Officer is responsible for the implementation, monitoring and execution of this policy.

Nothing in this process precludes any person from filing a formal grievance in accordance with our collective bargaining agreements or with the Oregon Bureau of Labor and Industries or the Equal Employment Opportunity Commission, or a court of competent jurisdiction.

## HISTORY

The Consensual Relationships policy was originally adopted as a separate policy on September 22, 1995. Prior to 1995, the WOU Affirmative Action Plan included reference to consensual relationships.

The Consensual Relationships policy was revised February 1, 1998.

The revised Consensual Relationships policy was approved on January 28, 2005.

The current revision of the Consensual Relationships policy was reviewed, comments were submitted and a recommendation for approval was made by the:

Faculty Senate – April 11, 2006

Staff Senate – March 10, 2006


Student Senate – March 7, 2006

(The WOU website, [wou.edu/sexualharassment](http://wou.edu/sexualharassment), addresses and disseminates the policy, and provides additional resources and guidance on this topic.)

Date of next review: <b>April 2009</b>
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Alternate formats of this policy are available from the Office of Human Resources.



Policy: <b>Discrimination and Harassment</b>	
Issuing Department: <b>Human Resources</b>	
Date last revised: <b>April 2006</b>	

WOU endorses the policy framework adopted by the Oregon State Board of Higher Education on September 9, 2005. The university has established a Committee for the Prevention of Sexual Harassment and Improper Consensual Relationships (“Committee”) which is charged with the responsibility and authority to:

- Evaluate and recommend training and communication programs
- Evaluate and recommend policies and procedures
- Build campus resources
- Assess campus attitudes

in support of a university culture that does not tolerate sexual harassment.

## PURPOSE

Western Oregon University is committed to cultivating an educational and work environment in which all individuals are treated with respect and dignity. Each individual has the right to learn and work in an atmosphere that promotes equal educational and employment opportunities and prohibits discriminatory practices, including harassment. Western Oregon University expects relationships across campus will be free from bias, prejudice and harassment. This policy statement is intended to: (a) reaffirm Western Oregon University's prohibition against discrimination and harassment, (b) clarify types of prohibited conduct, and (c) provide an effective complaint procedure to individuals who believe they have been subject to or have observed prohibited conduct.

## POLICY

It is the policy of Western Oregon University to provide a campus environment free from discrimination and harassment on the basis of race, color, religion, national origin, age, sex, gender, marital status, sexual orientation, veteran status or disability or any other status protected under law.

**Discrimination.** Discrimination, for the purposes of this policy, is defined as any act or practice, in form or operation, whether intended or unintended, that unreasonably differentiates among persons on the basis of race, color, religion, national origin, age, sex, gender, marital status, sexual orientation, veteran status or disability or any other status protected under law.

**Harassment.** Harassment, for the purposes of this policy, is defined as conduct that creates an intimidating, hostile, or degrading environment that would interfere with the work or academic performance of a reasonable person of the complainant’s protected status.

**Sexual Harassment.** Sexual harassment is a form of discriminatory harassment. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical behavior of a sexual nature when directed toward an individual because of that individual's sex when:

3. Submission to such conduct is made either explicitly or implicitly a term or condition of the individual's employment, grade, or used as the basis for any employment or academic decision; or
4. Such conduct is unwelcome and has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creates an intimidating, hostile or offensive work or academic environment.

**Examples of Prohibited Conduct.** The following are examples of conduct that may be prohibited under this policy. This list is representative and is not exhaustive:

- a. Unwelcome touching or physical closeness of a personal nature, which can include leaning over, cornering, or pinching.
- b. Sexual innuendos, teasing and other sexual talk such as jokes, intimate inquiries, persistent and unwanted courting, and sexist put-downs or insults.
- c. Derogatory remarks, slurs or jokes about an individual's race, color, religion, national origin, age, sex, gender, marital status, sexual orientation, veteran status, disability, or any other status protected by law.

This policy shall be applied in a manner that protects academic freedom and freedom of expression within the university. Nothing in this policy shall be construed to limit the expression of ideas, however controversial, that can reasonably be demonstrated to service legitimate education purposes.

**Penalties.** Conduct in violation of this policy will not be tolerated. For employees, prohibited conduct may result in disciplinary action, up to and including dismissal. For students, prohibited conduct may result in disciplinary action under Western Oregon University's Code of Student Responsibility (Oregon Administrative Rules Chapter 574, Division 31). Managers and supervisors who know or should know of conduct in violation of this policy, and who fail to report it, or fail to take prompt, appropriate corrective action, are subject to disciplinary action, up to and including dismissal.

## NON-RETALIATION

This policy prohibits retaliation against individuals who complain about prohibited conduct or otherwise participate in the process under this policy. Any student or employee found to have engaged in retaliatory action or conduct will be subject to discipline, up to and including dismissal.

## PROCEDURES

**Complaints.** An effective and clear complaint procedure is a critical element of Western Oregon University's policy against discrimination and harassment. The complaint procedure is open to all employees, applicants and students, except as collective bargaining agreements with the Service Employees International Union and the Federation of Teachers take precedence (reference Administrative Rules OAR 580-015-0090 et seq.) to address, investigate, and remedy allegations of discrimination or harassment.

Use of an **informal process** is encouraged as the first step in resolving a discrimination or harassment complaint. The complainant should contact the respondent (who may be a person, office or organization) responsible for the policy, practice or act considered discriminatory or harassing within five days of the alleged act. The complainant may also seek guidance from an individual designated as a Resource Guide by the university for assistance. If a resolution is not reached, or the complainant chooses, a formal discrimination or harassment complaint can be filed.

A **formal complaint** of discrimination or harassment must be filed orally or in writing within 12 months of the alleged discriminatory or harassing act. If the complaint is received orally, the Director of Human Resources/Affirmative Action Officer will convert it to written form. The written form will contain the following information:

5. Complainant's name, address, status, and telephone number;
6. The date of the alleged act of discrimination or harassment and a detailed description;
7. An outline of the attempts to resolve the complaint, including the name of the person responsible for the alleged discriminatory or harassing act and the date(s) of the attempts, if any, at resolution;
8. All information pertinent to the complaint;
9. Resolution proposed by the complainant;
10. Complainant's signature.

Copies of the written complaint will be given to the complainant, the respondent (the person responsible for the alleged discriminatory or harassing act), the appropriate dean or director, the appropriate vice president and the Chancellor's Office. The Director of Human Resources /Affirmative Action Officer will then investigate the complaint, and develop a recommended course of action. The recommendation will be forwarded to the appropriate dean or director and vice president for a final decision on the course of action to be taken.

The complainant will receive a final written decision from the Director of Human Resources /Affirmative Action Officer within 30 days after the receipt of the complaint unless a 30-day extension is requested. The respondent, the appropriate vice president and the Director of Human Resources/Affirmative Action Officer shall also be noticed of the final decision.

The decision can be appealed to the president of the university.

**Third parties.** All contractors and contractors' employees are required to adhere to Western Oregon University's policy prohibiting discrimination and sexual harassment in their interactions with members of the campus community.

**Training.** Human Resources will offer ongoing training/awareness sessions.

**Records.** The Affirmative Action Officer shall maintain records showing for each academic year:

- The number of formal complaints of discrimination or sexual harassment;
- The number or percentage of those complaints in which discrimination or sexual harassment was found to have occurred;
- The sanction imposed (to the extent consistent with restrictions on disclosure of records); and
- Training records and policies sign-off log.

**Assessment.** Every four years, the "Committee" shall oversee a study designed to measure the effectiveness of the policy as perceived by students and employees and report those findings to the Board of Higher Education.

## **AUTHORITY**

Oregon Revised Statute Chapter 351, Division 10; Oregon Administrative Rules, Chapter 580, Division 15 and 22; and relevant and applicable collective bargaining agreements.

## **RESPONSIBILITY**

The Director of Human Resources/Affirmative Action Officer is responsible for the implementation and execution of this policy.

## **ADDITIONAL RIGHTS**

Nothing in this policy precludes any person from filing a complaint with the Oregon Bureau of Labor and Industries, the Equal Employment Opportunity Commission, or a court of competent jurisdiction.

## **HISTORY**

The Sexual Harassment policy was originally adopted as a separate policy on September 22, 1995.

The Harassment-Free/Violence-Free Workplace policy was originally adopted as a separate policy on June 17, 1999. Prior to 1995, the WOU Affirmative Action Plan included reference to discrimination, harassment and sexual harassment.

The Sexual Harassment policy was revised February 1, 1998.

The revised Discrimination and Harassment policy was approved on January 4, 2005.

The current revision of the Discrimination and Harassment policy was reviewed, comments were submitted and a recommendation for approval was made by the:

Faculty Senate – April 11, 2006


Staff Senate – March 10, 2006

Student Senate – March 7, 2006

(The WOU website, [wou.edu/sexualharassment](http://wou.edu/sexualharassment), addresses and disseminates the policy, and provides additional resources and guidance on this topic.)

Date of next review: <b>April 2009</b>
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Alternate formats of this policy are available from the Office of Human Resources.

Policy: <b>Accommodations: Planning and Remodels/Renovations</b>	
Issuing Department: <b>Office of Disability Services</b>	
Date last revised: <b>May 2006</b>	

**PURPOSE**

One of the functions of the Office of Disability Services (ODS) is to act as a resource when it comes to accommodation issues. These accommodations are to ensure full accessibility to activities on WOU's campus that are available to the faculty, staff and students as well as all other community members. In this case, community members refers to persons who utilize and attend Western functions but are not WOU students, faculty or staff.

**POLICY**

While many accommodations are provided on an individual basis, WOU as an institution is also required, by law, to make sure any remodeling or renovations undertaken on the campus address the issue of accessibility.

**PROCEDURES**

It is the intent of ODS to make individual departments and divisions as self-sufficient as possible when they make plans for remodels and renovations. It is the responsibility of the Planning Office and Physical Plant to be knowledgeable about the building codes and requirements pertaining to accessibility.

**Access Committee:**

An Access Committee will be established consisting of the Planning Director, Office of Disability Services Director, ADA Compliance Officer, 2 students with differing disabilities, and 2 faculty and/or staff with differing disabilities. The Access Committee will meet at least once a term during Fall, Winter and Spring, more often if necessary. The Access Committee will review plans for major remodeling and renovations. The goal of the Access Committee will be to offer ideas and suggestions concerning accessibility issues involved in the remodels and renovations. The Access Committee will also gather information to enable them to develop short and long range accommodation plans that address remodeling and renovation issues. Plans and recommendations presented by the Access Committee can only be implemented if the appropriate resources are available. Minor remodeling plans can be reviewed by the Planning or Physical Plant Director and the Disability Services Director.

**AUTHORITY**


Western Oregon University is in accordance with Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA) of 1990, and ORS 659A.103.

**RESPONSIBILITY**

Office of Disability Services, ADA Coordinator, Planning Director and/or Physical Plant Director.

Date of next review: <b>May 2011</b>
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Alternate formats of this policy are available from the Office of Human Resources.

Policy: <b>Disability Documentation</b>	
Issuing Department: <b>Office of Disability Services</b>	
Date last revised: <b>May 2006</b>	

## PURPOSE

One of the functions of the Office of Disability Services (ODS) is to coordinate the provision of educational auxiliary aids for students with disabilities.

## POLICY

Students must provide the Office of Disability Services with documentation of their disability related to requested accommodations to receive support services from the office. Documentation must be from a certified professional in the field of the disability. An individual with a disability is a person who has a physical or mental impairment that substantially limits one or more "major life activities" or has a record of such impairment.

## PROCEDURES

Major life activities include functions such as walking, seeing, hearing, breathing, learning, working, caring for oneself, and performing manual tasks.

Other forms of documentation that are acceptable include:

6. Deaf and Hearing Impaired: Audiogram and/or audiologists report documenting a hearing loss that necessitates support services in order to participate in classes/activities.
7. Visually Impaired: Report from ophthalmologist documenting eye medical disorder and disease.
8. Psychological Disability: Diagnosis from DSM IV indicating functional limitations and how this disability might impact on ability to function as a college student.
9. Medical Disability: Documentation of disease, illness, etc., from appropriate specialist functional limitations.
10. Adult Intelligence & Achievement: Documentation of learning disorders.

## AUTHORITY


In part: Section 504 of 1973 Rehabilitation Act, Americans with Disability Act PL-101-336.

## RESPONSIBILITY

Office of Disability Services and Vice President for Student Affairs

Date of next review: <b>May 2011</b>
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Alternate formats of this policy are available from the Office of Human Resources.

Policy: <b>Learning Disability Eligibility</b>	
Issuing Department: <b>Office of Disability Services</b>	
Date last revised: <b>May 2006</b>	

## PURPOSE

One of the functions of the functions of the Office of Disability Services (ODS) is to coordinate the provision of educational auxiliary aids for students with disabilities.

## POLICY

Students must provide the Office of Disability Services with documentation of their disability related to requested accommodations to receive support services from the office.

The term "specific learning disability" does not include students who have learning problems which are primarily the result of visual, hearing, or motor disabilities, mental retardation, emotional disturbance, or environmental, cultural, or economic disadvantage. "Specific learning disability" means a disorder in one of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an impaired ability to listen, speak, write, spell, reason, or do any mathematics calculations. The term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia (taken from Federal Register 8-77 and EDAPA 08.02.15.l.i.j.).

A person "qualified" as LD for the purpose of receiving services and or accommodations at Western must present documentation of their specific learning disability. (See below.) Any special request for accommodation must be accompanied by sufficient information to support that request based on the specific learning disability. Accommodation and academically related services for students with learning disabilities are not designed to provide remediation. Accommodations and services are designed to accommodate the students' particular disability.

## PROCEDURES

Learning Disability Documentation:

11. It must be remembered that no single evaluation instrument or procedure may be used to determine whether or not a person possesses a learning disability.
12. Must meet requirement A or B:
  13. Documentation of testing within the past three years as an adult including: cognitive ability, achievement levels, and possible processing deficits (i.e., auditory memory, visual-spatial, attention, etc.); or
  14. If traditional age student (i.e. upon completion of high school planning to enter college), testing within the past three years (recent IEP acceptable with accompanying test data), showing a discrepancy between expected level of performance and actual performance level is acceptable. Identification of the specific learning disability the school is using to determine IEP eligibility and an indication of the student's strengths and weaknesses and accommodations used.

## **AUTHORITY**

In part: Section 504 of 1973 Rehabilitation Act. Americans with Disability Act PL-101-336.


## **RESPONSIBIITY**

Office of Disability Services

Date of next review: <b>May 2011</b>
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Alternate formats of this policy are available from the Office of Human Resources.



Policy: <b>Provision of Support Services and Accommodations: Community Members</b>	
Issuing Department: <b>Office of Disability Services</b>	
Date last revised: <b>May 2006</b>	

**PURPOSE**

One of the functions of the Office of Disability Services (ODS) is to coordinate and provide accommodations for community members with disabilities.

**POLICY**

These accommodations are to ensure full accessibility to activities on WOU's campus that are available to the community. In this case, community members refers to persons who utilize and attend WOU functions but are not WOU students, faculty or staff.

**PROCEDURES**

It is the intent of ODS to make individual departments and divisions as self-sufficient as possible when they provide accommodations to community members with disabilities. As such, ODS will often act as facilitator and advisor while leaving the actual provision of the accommodation to the department.

**Auxiliary Aids:**

An auxiliary aid is a service or device that persons with disabilities can use to overcome some or all of the limitations caused by a disability. Auxiliary Aids include, but are not limited to, Sign Language Interpreters, Notetakers or materials needed in an alternate print format.

2. Once an office has been notified that an accommodation for an event is needed, ODS needs to be contacted immediately. Questions ODS will ask you are: What is the name and phone number of the person needing an accommodation? What accommodation did they request? What did your office tell them about an accommodation? What is the event, when is the event (day, date, beginning and ending time), where is the event and what does the event involve?
3. Requests for an auxiliary aid can be called in to the ODS. Interpreters and notetakers can be provided in most cases with 48-hours notice. However, if it is an on-going event or an event that requires the use of several interpreters, at least 2 weeks advance notice is needed. If the event needing an interpreter is a play, all-day conference, or workshop, then several weeks notice is needed. The ODS will also need copies, in advance, of scripts, keynote speeches, poems or other materials to give to the interpreters.
4. To receive books/materials in audioformat, the office needs a minimum of 2-4 weeks notice.
5. If an office learns that an accommodation is no longer needed, the ODS needs to be informed immediately so that services can be cancelled. There is an obligation to pay for unused services if they are not cancelled or are cancelled with less than 24-hours notice.
6. Any problems with the provision of auxiliary services should be reported immediately to the director of ODS at 838-8250.

**Structural Access Accommodations:**

Structural access accommodations address issues such as stairs, inaccessible buildings and inaccessible seating.

4. Once an office has been notified that an accommodation for an event is needed

ODS needs to be contacted immediately. Questions you will be asked by ODS include: What is the name and phone number of the person needing an accommodation? What accommodation did they request? What did your office tell them about an accommodation? What is the event, when is the event (date, beginning and ending time), where is the event and what does the event involve?

5. ODS will work with the department sponsoring the event to provide and establish structural access accommodations.

**AUTHORITY**


Vice President for Student Affairs

**RESPONSIBILITY**

Office of Disability Services, ADA Coordinator, supervisors and employees

Date of next review: <b>May 2011</b>
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Alternate formats of this policy are available from the Office of Human Resources.

Policy: <b>Provision of Support Services and Accommodations: Faculty and Staff</b>	
Issuing Department: <b>Office of Disability Services</b>	
Date last revised: <b>May 2006</b>	

## PURPOSE

One of the functions of the Office of Disability Services (ODS) is to coordinate and provide accommodations for faculty and staff with disabilities at WOU.

## POLICY

These accommodations are to ensure that faculty and staff are able to participate in the full range of activities that are available to them on WOU's campus. The accommodations are also to enable faculty and staff to perform their job duties as prescribed by their job descriptions. Faculty and staff requiring accommodations due to a disability must provide Human Resources with documentation in order to receive support services from the office. Documentation can be from an appropriate physician or specialist.

An individual with a disability is a person who has a physical or mental impairment that substantially limits one or more "major life activities," has a record of such an impairment or is perceived as having an impairment. Major life activities include functions such as walking, seeing, hearing, breathing, learning, working, caring for oneself, and performing manual tasks.

## PROCEDURES

It is the intent of ODS to make departments and divisions as self-sufficient as possible as they provide accommodations to faculty and staff with disabilities. As such ODS will often act as facilitator and advisor while leaving the actual provision of the accommodation to the department.

### Auxiliary Aids:

An auxiliary aid is a service or device that persons with disabilities can use to overcome some or all of the limitations caused by a disability. Auxiliary Aids include, but are not limited to, Sign Language Interpreters, Notetakers, books on tape, or materials needed in an alternative print format.

1. It is the employee's responsibility to inform his/her supervisor or directly contact the ODS, Personnel Officer, or ADA Compliance Officer of a need for job accommodations based on disability.
2. Specific requests for interpreters and notetakers must be made in writing to the ODS (forms can be obtained there). Interpreters and notetakers can be provided in most cases with 48-hours notice. However, if it is an on going event or an event that requires the use of several interpreters, at least 1-2 weeks advance notice is needed.
3. It is the employee's responsibility to make sure that they or their supervisor informs ODS if the service requested is not needed due to cancellation, sickness, or other events. There is an obligation to pay for unused services if they are not cancelled.
4. Any problems with the provision of auxiliary services should be reported immediately to the Director of ODS.

## Job Site Accommodations:

Job site accommodations include structural accommodations, changes in the physical work space of the employee, job restructuring, and adaptation of the employee's job duties and/or the purchase of special equipment.

1. It is the employee's responsibility to inform his/her supervisor or directly contact ODS, Personnel Officer, or ADA Compliance Officer of a need for job site accommodations based on disability.
2. Once a request for a job site accommodation has been received, the ADA accommodation review committee will meet (ODS Director, ADA Compliance Officer, and Human Resources Director) to determine appropriate accommodations.
3. At the meeting a plan will be formulated, by following steps A-D, to determine the necessary changes to be undertaken by all parties involved to provide appropriate accommodations.
  - A. Analyze the particular job function involved to determine its purpose and essential functions.
  - B. Consult with the employee to find out how his/her disability limits job functions and how the limitations can be overcome with an accommodation.
  - C. Identify possible accommodations and assess their effectiveness in helping the employee perform the essential functions of the job.
  - D. Consider the employee's preference of accommodations and then select the most appropriate accommodation for both the employer and the employee.

All employee disability services files are housed in the Office of Human Resources and are considered confidential under the Americans with Disabilities Act.

### **AUTHORITY**


Vice President for Student Affairs

### **RESPONSIBILITY**

Office of Disability Services (ODS), ADA Coordinator, supervisors and employees

Date of next review: <b>May 2011</b>
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Alternate formats of this policy are available from the Office of Human Resources.

Policy: <b>Reasonable Accommodation Policy</b>	
Issuing Department: <b>Office of the President</b>	
Date last revised: <b>May 2006</b>	

## **PURPOSE**

The Americans with Disability Act defines "accessibility" as the freedom of persons with disabilities to approach, enter, and use or participate in academic programs, personnel offices, work sites and public areas. An "accommodation" is any change, modification or adjustment of the work environment which enables individuals with disabilities to enjoy equal employment opportunities. A "reasonable accommodation" is action, which is reasonably possible in the circumstances, to make the regular services of a place of public accommodation accessible to persons who otherwise could not use or fully enjoy the services because of the person's sensory, mental, or physical limitation.

## **POLICY**

Western Oregon University is committed to nondiscrimination in the delivery of its programs, services and facilities to persons with disabilities.

## **PROCEDURES**

Western Oregon University shall inform persons with disabilities in a timely manner of their right to request and receive reasonable accommodations. Such notification will be provided verbally in announcements and/or written material regarding university programs, activities and services. The Office of Disability Services shall coordinate and provide reasonable accommodations for faculty, staff, students and community members. All presentations, forms, and brochures shall be altered to include a statement of nondiscrimination, and shall be made available in alternate format upon request. The University shall provide annual training to faculty and staff on workforce diversity which shall include nondiscrimination on the basis of disability. Information gathered in interviews and forms containing information regarding disability status shall be considered confidential.

## **AUTHORITY**

Western is in accordance with Section 504 of the Rehabilitation Act of 1973, the Americans With Disabilities Act (ADA) of 1990, and Oregon Revised Statute 659.405.

## **RESPONSIBILITY**

Complaints alleging discrimination in employment or in access to facilities, goods and services at Western Oregon University should be made to immediate supervisors, or to the department or program directors as specified in the University's Procedures for Reasonable Accommodation Complaints. The Director of the Office of Disability Services and the University's ADA Coordinator are available to assist in resolving a request or complaint.

Date of next review: <b>May 2011</b>
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Alternate formats of this policy are available from the Office of Human Resources.

# WESTERN OREGON UNIVERSITY EMPLOYEE ACCOMMODATION REQUEST FORM

In accordance with the Americans with Disabilities Act and the Rehabilitation Act of 1973, Western Oregon University provides reasonable accommodations to qualified individuals with disabilities to enable them to perform the essential functions of their positions. The purpose of this form is to assist the University in determining whether a reasonable accommodation is required for you to perform the essential functions of your job safely and effectively, and if so, what accommodation is most appropriate.

To request an accommodation, please provide the information requested below and the documentation from your physician as outlined on the attached sheet. You should then submit the information to the Office of Human Resources. You may also contact the Director of Human Resources to discuss your request, either before or after submitting the information.

**Please read the reverse side of this page for additional information.**

## **TO BE COMPLETED BY THE EMPLOYEE:**

Name: \_\_\_\_\_ Date: \_\_\_\_\_  
Department: \_\_\_\_\_ Position: \_\_\_\_\_  
Campus Address: \_\_\_\_\_ Telephone #: \_\_\_\_\_

Please describe the condition for which you are requesting an accommodation:

Please describe any limitations resulting from your condition that interfere with your ability to perform the functions of your position:

Please describe the accommodations you believe are needed to enable you to perform the essential functions of your position:

## **TO BE COMPLETED BY THE OFFICE OF HUMAN RESOURCES:**

Date request received by Office of Human Resources:

Action taken:

Date employee informed of action:

(See reverse side)

## **INFORMATION FOR EMPLOYEES**

In accordance with the Americans with Disabilities Act, Western Oregon University provides reasonable accommodations to qualified individuals with disabilities who require such accommodations to safely and effectively perform the essential functions of their positions. Any employee with a disability is welcome to request such reasonable accommodation(s).

You may make a request for reasonable accommodation to your supervisor, and/or to the director in the Office of Human Resources. In the event that you make a request to your supervisor, the request and required documentation will be forwarded to and reviewed with the Director of Human Resources to determine the appropriate action to be taken, and to obtain assistance, if necessary, in implementing any accommodation that is provided. If you make the request directly to the Director of Human Resources, the request will be discussed with your supervisor to the degree necessary to properly evaluate the request and to implement any accommodation provided. You may request that the director not disclose the nature of the disability to your supervisor. Whether, or to what degree, such a request can be honored will depend upon what information must be provided to your supervisor to allow him or her to assist in the decision regarding appropriate accommodations.

You should request a reasonable accommodation by filling out and submitting to your supervisor, or the Director of Human Resources, the Employee Accommodation Request Form on the reverse side of this page. The documentation provided by your physician should be submitted to the Office of Human Resources.

Your request for reasonable accommodation, and any information submitted in support of or related to that request, will be kept confidential, except that it will be shared with those University officials who are involved in evaluating and/or implementing the request.

Any questions regarding the reasonable accommodation policy or process should be directed to Judy Vanderburg, Director of Human Resources, Administration 205, (503) 838-8131.

### **INFORMATION FOR SUPERVISORS**

This form is to be provided to an employee who requests reasonable accommodation for a disability. The employee may choose to return the form to you, or to the Office of Human Resources.

If the employee returns the form to you, you should forward the Employee Accommodation Request Form submitted by the employee to the Office of Human Resources along with the documentation provided by the physician.

In no case should action on a request for accommodation be taken without consultation with the Office of Human Resources.

(See reverse side)

## **Outline of Documentation Needed**

All documentation should be typed on Physician's letterhead and signed by the physician. Documentation should include the following:

- **Diagnosis:** A specific diagnosis of each disability that will affect an employee while fulfilling their job duties.
- **Functional Limitations:** Those limitations, which will impact the employee's ability to perform the essential duties of their position. Functional limitations should be specific to the employee and their needs.
- **Tests administered to determine the extent of the disability and the functional limitations.**
- **Medications:** If any medications are used to treat a specific disability, those should be listed with the side effects that they have on the employee.
- **Recommendations:** If the physician has any specific recommendations that he or she would like the university to consider when making reasonable accommodation, please include these recommendations.

Please send or fax documentation to:

Judy J. Vanderburg, Director,  
Office of Human Resources  
Western Oregon University  
Monmouth OR 97361  
503-838-8131  
503- 838-8144 (Fax)



# **APPENDIX B**

# Age Discrimination

The Age Discrimination in Employment Act of 1967 (ADEA) protects individuals who are 40 years of age or older from employment discrimination based on age. The ADEA's protections apply to both employees and job applicants. Under the ADEA, it is unlawful to discriminate against a person because of his/her age with respect to any term, condition, or privilege of employment, including hiring, firing, promotion, layoff, compensation, benefits, job assignments, and training.

It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on age or for filing an age discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under the ADEA.

The ADEA applies to employers with 20 or more employees, including state and local governments. It also applies to employment agencies and labor organizations, as well as to the federal government. ADEA protections include:

## **Apprenticeship Programs**

It is generally unlawful for apprenticeship programs, including joint labor-management apprenticeship programs, to discriminate on the basis of an individual's age. Age limitations in apprenticeship programs are valid only if they fall within certain specific exceptions under the ADEA or if the EEOC grants a specific exemption.

## **Job Notices and Advertisements**

The ADEA generally makes it unlawful to include age preferences, limitations, or specifications in job notices or advertisements. A job notice or advertisement may specify an age limit only in the rare circumstances where age is shown to be a "bona fide occupational qualification" (BFOQ) reasonably necessary to the normal operation of the business.

## **Pre-Employment Inquiries**

The ADEA does not specifically prohibit an employer from asking an applicant's age or date of birth. However, because such inquiries may deter older workers from applying for employment or may otherwise indicate possible intent to discriminate based on age, requests for age information will be closely scrutinized to make sure that the inquiry was made for a lawful purpose, rather than for a purpose prohibited by the ADEA.

## **Benefits**

The Older Workers Benefit Protection Act of 1990 (OWBPA) amended the ADEA to specifically prohibit employers from denying benefits to older employees. Congress recognized that the cost of providing certain benefits to older workers is greater than the cost of providing those same benefits to younger workers, and that those greater costs would create a disincentive to hire older workers. Therefore, in limited circumstances, an employer may be permitted to reduce benefits based on age, as long as the cost of providing the reduced benefits to older workers is the same as the cost of providing benefits to younger workers.

## **Waivers of ADEA Rights**

An employer may ask an employee to waive his/her rights or claims under the ADEA either in the settlement of an ADEA administrative or court claim or in connection with an exit incentive program or other employment termination program. However, the ADEA, as amended by OWBPA, sets out specific minimum standards that must be met in order for a waiver to be considered knowing and voluntary and, therefore, valid. Among other requirements, a valid ADEA waiver must:

1. be in writing and be understandable;
2. specifically refer to ADEA rights or claims;
3. not waive rights or claims that may arise in the future;
4. be in exchange for valuable consideration;
5. advise the individual in writing to consult an attorney before signing the waiver; and

6. provide the individual at least 21 days to consider the agreement and at least seven days to revoke the agreement after signing it.

If an employer requests an ADEA waiver in connection with an exit incentive program or other employment termination program, the minimum requirements for a valid waiver are more extensive.

## Statistics

In Fiscal Year 2005, EEOC received 16,585 charges of age discrimination. EEOC resolved 14,076 age discrimination charges in FY 2005 and recovered \$77.7 million in monetary benefits for charging parties and other aggrieved individuals (not including monetary benefits obtained through litigation).

### Charge Statistics: Age Discrimination

# Disability Discrimination

Title I of the Americans with Disabilities Act of 1990 prohibits private employers, state and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment. The ADA covers employers with 15 or more employees, including state and local governments. It also applies to employment agencies and to labor organizations. The ADA's nondiscrimination standards also apply to federal sector employees under section 501 of the Rehabilitation Act, as amended, and its implementing rules.

An individual with a disability is a person who:

- Has a physical or mental impairment that substantially limits one or more major life activities;
- Has a record of such an impairment; or
- Is regarded as having such an impairment.

A qualified employee or applicant with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the job in question. Reasonable accommodation may include, but is not limited to:

- Making existing facilities used by employees readily accessible to and usable by persons with disabilities.
- Job restructuring, modifying work schedules, reassignment to a vacant position;
- Acquiring or modifying equipment or devices, adjusting or modifying examinations, training materials, or policies, and providing qualified readers or interpreters.

An employer is required to make a reasonable accommodation to the known disability of a qualified applicant or employee if it would not impose an "undue hardship" on the operation of the employer's business. Undue hardship is defined as an action requiring significant difficulty or expense when considered in light of factors such as an employer's size, financial resources, and the nature and structure of its operation.

An employer is not required to lower quality or production standards to make an accommodation; nor is an employer obligated to provide personal use items such as glasses or hearing aids.

Title I of the ADA also covers:

## **Medical Examinations and Inquiries**

Employers may not ask job applicants about the existence, nature, or severity of a disability. Applicants may be asked about their ability to perform specific job functions. A job offer may be conditioned on the results of a medical examination, but only if the examination is required for all entering employees in similar jobs. Medical examinations of employees must be job related and consistent with the employer's business needs.

## **Drug and Alcohol Abuse**

Employees and applicants currently engaging in the illegal use of drugs are not covered by the ADA when an employer acts on the basis of such use. Tests for illegal drugs are not subject to the ADA's restrictions on medical examinations. Employers may hold illegal drug users and alcoholics to the same performance standards as other employees.

It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on disability or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under the ADA.

## Statistics

In Fiscal Year 2005, EEOC received 14,893 charges of disability discrimination. EEOC resolved 15,357 disability discrimination charges in FY 2005 and recovered \$44.8 million in monetary benefits for charging parties and other aggrieved individuals (not including monetary benefits obtained through litigation).

### Americans With Disabilities Act Charges

# Equal Pay and Compensation Discrimination

The right of employees to be free from discrimination in their compensation is protected under several federal laws, including the following enforced by the U.S. Equal Employment Opportunity Commission (EEOC): the Equal Pay Act of 1963, Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, and Title I of the Americans with Disabilities Act of 1990.

The Equal Pay Act requires that men and women be given equal pay for equal work in the same establishment. The jobs need not be identical, but they must be substantially equal. It is job content, not job titles, that determines whether jobs are substantially equal. Specifically, the EPA provides:

Employers may not pay unequal wages to men and women who perform jobs that require substantially equal skill, effort and responsibility, and that are performed under similar working conditions within the same establishment. Each of these factors is summarized below:

**Skill** - Measured by factors such as the experience, ability, education, and training required to perform the job. The key issue is what skills are required for the job, not what skills the individual employees may have. For example, two bookkeeping jobs could be considered equal under the EPA even if one of the job holders has a master's degree in physics, since that degree would not be required for the job.

**Effort** - The amount of physical or mental exertion needed to perform the job. For example, suppose that men and women work side by side on a line assembling machine parts. The person at the end of the line must also lift the assembled product as he or she completes the work and place it on a board. That job requires more effort than the other assembly line jobs if the extra effort of lifting the assembled product off the line is substantial and is a regular part of the job. As a result, it would not be a violation to pay that person more, regardless of whether the job is held by a man or a woman.

**Responsibility** - The degree of accountability required in performing the job. For example, a salesperson who is delegated the duty of determining whether to accept customers' personal checks has more responsibility than other salespeople. On the other hand, a minor difference in responsibility, such as turning out the lights at the end of the day, would not justify a pay differential.

**Working Conditions** - This encompasses two factors: (1) physical surroundings like temperature, fumes, and ventilation; and (2) hazards.

**Establishment** - The prohibition against compensation discrimination under the EPA applies only to jobs within an establishment. An establishment is a distinct physical place of business rather than an entire business or enterprise consisting of several places of business. However, in some circumstances, physically separate places of business should be treated as one establishment. For example, if a central administrative unit hires employees, sets their compensation, and assigns them to work locations, the separate work sites can be considered part of one establishment.

Pay differentials are permitted when they are based on seniority, merit, quantity or quality of production, or a factor other than sex. These are known as "affirmative defenses" and it is the employer's burden to prove that they apply.

In correcting a pay differential, no employee's pay may be reduced. Instead, the pay of the lower paid employee(s) must be increased.

## Title VII, ADEA, and ADA

Title VII, the ADEA, and the ADA prohibit compensation discrimination on the basis of race, color, religion, sex, national origin, age, or disability. Unlike the EPA, there is no requirement under Title VII, the ADEA, or the ADA that the claimant's job be substantially equal to that of a higher paid person outside the

claimant's protected class, nor do these statutes require the claimant to work in the same establishment as a comparator.

Compensation discrimination under Title VII, the ADEA, or the ADA can occur in a variety of forms. For example:

An employer pays an employee with a disability less than similarly situated employees without disabilities and the employer's explanation (if any) does not satisfactorily account for the differential.

A discriminatory compensation system has been discontinued but still has lingering discriminatory effects on present salaries. For example, if an employer has a compensation policy or practice that pays Hispanics lower salaries than other employees, the employer must not only adopt a new non-discriminatory compensation policy, it also must affirmatively eradicate salary disparities that began prior to the adoption of the new policy and make the victims whole.

An employer sets the compensation for jobs predominately held by, for example, women or African-Americans below that suggested by the employer's job evaluation study, while the pay for jobs predominately held by men or whites is consistent with the level suggested by the job evaluation study.

An employer maintains a neutral compensation policy or practice that has an adverse impact on employees in a protected class and cannot be justified as job-related and consistent with business necessity. For example, if an employer provides extra compensation to employees who are the "head of household," i.e., married with dependents and the primary financial contributor to the household, the practice may have an unlawful disparate impact on women.

It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on compensation or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under Title VII, ADEA, ADA or the Equal Pay Act.

## Statistics

In Fiscal Year 2005, EEOC received 970 charges of compensation discrimination. EEOC resolved 889 compensation discrimination charges in FY 2005 and recovered \$3.1 million in monetary benefits for charging parties and other aggrieved individuals (not including monetary benefits obtained through litigation).

[Charge Statistics: Equal Pay Act](#)

## Other Resources

Here are some links to other sources of information about compensation discrimination. Please be aware that, consistent with the EEOC's general disclaimer statement, the EEOC does not control or guarantee the accuracy or completeness of this outside information, and references to the sites below are not intended to reflect their importance or an endorsement of any views expressed or products or services offered.

Department of Labor's Office of Federal Contract Compliance Programs

- [Equal Pay and the Department of Labor](#)
- [Best Compensation Practices](#)
- [Analyzing Compensation Data: A Guide to Three Approaches](#)

Department of Labor's Women's Bureau

- [Ten Steps to An Equal Pay Self-Audit for Employers](#)

- Working Women's Equal Pay Checklist
- Women's Bureau Fair Pay Clearinghouse

Department of Labor's Wage and Hour Division

Employment Litigation Section of the Civil Rights Division of the Department of Justice



# National Origin Discrimination

Whether an employee or job applicant's ancestry is Mexican, Ukrainian, Filipino, Arab, American Indian, or any other nationality, he or she is entitled to the same employment opportunities as anyone else. EEOC enforces the federal prohibition against national origin discrimination in employment under Title VII of the Civil Rights Act of 1964, which covers employers with fifteen (15) or more employees.

"With American society growing increasingly diverse, protection against national origin discrimination is vital to the right of workers to compete for jobs on a level playing field," said EEOC Chair Cari M. Dominguez, announcing the issuance of recent guidance on national origin discrimination. "Immigrants have long been an asset to the American workforce. This is more true than ever in today's increasingly global economy. Recent world events, including the events of September 11, 2001, only add to the need for employers to be vigilant in ensuring a workplace free from discrimination."

## About National Origin Discrimination

National origin discrimination means treating someone less favorably because he or she comes from a particular place, because of his or her ethnicity or accent, or because it is believed that he or she has a particular ethnic background. National origin discrimination also means treating someone less favorably at work because of marriage or other association with someone of a particular nationality. Examples of violations covered under Title VII include:

### Employment Decisions

Title VII prohibits any employment decision, including recruitment, hiring, and firing or layoffs, based on national origin.

### Harassment

Title VII prohibits offensive conduct, such as ethnic slurs, that creates a hostile work environment based on national origin. Employers are required to take appropriate steps to prevent and correct unlawful harassment. Likewise, employees are responsible for reporting harassment at an early stage to prevent its escalation.

### Language

- Accent discrimination  
An employer may not base a decision on an employee's foreign accent unless the accent materially interferes with job performance.
- English fluency  
A fluency requirement is only permissible if required for the effective performance of the position for which it is imposed.
- English-only rules  
English-only rules must be adopted for nondiscriminatory reasons. An English-only rule may be used if it is needed to promote the safe or efficient operation of the employer's business.

## Coverage of foreign nationals

Title VII and the other antidiscrimination laws prohibit discrimination against individuals employed in the United States, regardless of citizenship. However, relief may be limited if an individual does not have work authorization.

## Statistics

In Fiscal Year 2005, EEOC received 8,035 charges of national origin discrimination. Including charges from previous years, 8,319 charges were resolved, and monetary benefits for charging parties totaled \$19.4 million (not including monetary benefits obtained through litigation).

# Pregnancy Discrimination

The Pregnancy Discrimination Act is an amendment to Title VII of the Civil Rights Act of 1964. Discrimination on the basis of pregnancy, childbirth, or related medical conditions constitutes unlawful sex discrimination under Title VII, which covers employers with 15 or more employees, including state and local governments. Title VII also applies to employment agencies and to labor organizations, as well as to the federal government. Women who are pregnant or affected by related conditions must be treated in the same manner as other applicants or employees with similar abilities or limitations.

Title VII's pregnancy-related protections include:

## **Hiring**

An employer cannot refuse to hire a pregnant woman because of her pregnancy, because of a pregnancy-related condition or because of the prejudices of co-workers, clients, or customers.

## **Pregnancy and Maternity Leave**

An employer may not single out pregnancy-related conditions for special procedures to determine an employee's ability to work. However, if an employer requires its employees to submit a doctor's statement concerning their inability to work before granting leave or paying sick benefits, the employer may require employees affected by pregnancy-related conditions to submit such statements.

If an employee is temporarily unable to perform her job due to pregnancy, the employer must treat her the same as any other temporarily disabled employee. For example, if the employer allows temporarily disabled employees to modify tasks, perform alternative assignments or take disability leave or leave without pay, the employer also must allow an employee who is temporarily disabled due to pregnancy to do the same.

Pregnant employees must be permitted to work as long as they are able to perform their jobs. If an employee has been absent from work as a result of a pregnancy-related condition and recovers, her employer may not require her to remain on leave until the baby's birth. An employer also may not have a rule that prohibits an employee from returning to work for a predetermined length of time after childbirth.

Employers must hold open a job for a pregnancy-related absence the same length of time jobs are held open for employees on sick or disability leave.

## **Health Insurance**

Any health insurance provided by an employer must cover expenses for pregnancy-related conditions on the same basis as costs for other medical conditions. Health insurance for expenses arising from abortion is not required, except where the life of the mother is endangered.

Pregnancy-related expenses should be reimbursed exactly as those incurred for other medical conditions, whether payment is on a fixed basis or a percentage of reasonable-and-customary-charge basis.

The amounts payable by the insurance provider can be limited only to the same extent as amounts payable for other conditions. No additional, increased, or larger deductible can be imposed.

Employers must provide the same level of health benefits for spouses of male employees as they do for spouses of female employees.

## **Fringe Benefits**

Pregnancy-related benefits cannot be limited to married employees. In an all-female workforce or job classification, benefits must be provided for pregnancy-related conditions if benefits are provided for other medical conditions.

If an employer provides any benefits to workers on leave, the employer must provide the same benefits for those on leave for pregnancy-related conditions.

Employees with pregnancy-related disabilities must be treated the same as other temporarily disabled employees for accrual and crediting of seniority, vacation calculation, pay increases, and temporary disability benefits.

It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on pregnancy or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under Title VII.

## **Statistics**

In Fiscal Year 2005, EEOC received 4,449 charges of pregnancy-based discrimination. EEOC resolved 4,321 pregnancy discrimination charges in FY 2005 and recovered \$11.6 million in monetary benefits for charging parties and other aggrieved individuals (not including monetary benefits obtained through litigation).

# Race/Color Discrimination

Title VII of the Civil Rights Act of 1964 protects individuals against employment discrimination on the bases of race and color, as well as national origin, sex, and religion. Title VII applies to employers with 15 or more employees, including state and local governments. It also applies to employment agencies and to labor organizations, as well as to the federal government.

Equal employment opportunity cannot be denied any person because of his/her racial group or perceived racial group, his/her race-linked characteristics (e.g., hair texture, color, facial features), or because of his/her marriage to or association with someone of a particular race or color. Title VII also prohibits employment decisions based on stereotypes and assumptions about abilities, traits, or the performance of individuals of certain racial groups. Title VII's prohibitions apply regardless of whether the discrimination is directed at Whites, Blacks, Asians, Latinos, Arabs, Native Americans, Native Hawaiians and Pacific Islanders, multi-racial individuals, or persons of any other race, color, or ethnicity.

It is unlawful to discriminate against any individual in regard to recruiting, hiring and promotion, transfer, work assignments, performance measurements, the work environment, job training, discipline and discharge, wages and benefits, or any other term, condition, or privilege of employment. Title VII prohibits not only intentional discrimination, but also neutral job policies that disproportionately affect persons of a certain race or color and that are not related to the job and the needs of the business. Employers should adopt "best practices" to reduce the likelihood of discrimination and to address impediments to equal employment opportunity.

Title VII's protections include:

## **Recruiting, Hiring, and Advancement**

Job requirements must be uniformly and consistently applied to persons of all races and colors. Even if a job requirement is applied consistently, if it is not important for job performance or business needs, the requirement may be found unlawful if it excludes persons of a certain racial group or color significantly more than others. Examples of potentially unlawful practices include: (1) soliciting applications only from sources in which all or most potential workers are of the same race or color; (2) requiring applicants to have a certain educational background that is not important for job performance or business needs; (3) testing applicants for knowledge, skills or abilities that are not important for job performance or business needs.

Employers may legitimately need information about their employees or applicants race for affirmative action purposes and/or to track applicant flow. One way to obtain racial information and simultaneously guard against discriminatory selection is for employers to use separate forms or otherwise keep the information about an applicant's race separate from the application. In that way, the employer can capture the information it needs but ensure that it is not used in the selection decision.

Unless the information is for such a legitimate purpose, pre-employment questions about race can suggest that race will be used as a basis for making selection decisions. If the information is used in the selection decision and members of particular racial groups are excluded from employment, the inquiries can constitute evidence of discrimination.

## **Harassment/Hostile Work Environment**

Title VII prohibits offensive conduct, such as racial or ethnic slurs, racial "jokes," derogatory comments, or other verbal or physical conduct based on an individual's race/color. The conduct has to be unwelcome and offensive, and has to be severe or pervasive. Employers are required to take appropriate steps to prevent and correct unlawful harassment. Likewise, employees are responsible for reporting harassment at an early stage to prevent its escalation.

## **Compensation and Other Employment Terms, Conditions, and Privileges**

Title VII prohibits discrimination in compensation and other terms, conditions, and privileges of employment. Thus, race or color discrimination may not be the basis for differences in pay or

benefits, work assignments, performance evaluations, training, discipline or discharge, or any other area of employment.

### **Segregation and Classification of Employees**

Title VII is violated where employees who belong to a protected group are segregated by physically isolating them from other employees or from customer contact. In addition, employers may not assign employees according to race or color. For example, Title VII prohibits assigning primarily African-Americans to predominantly African-American establishments or geographic areas. It is also illegal to exclude members of one group from particular positions or to group or categorize employees or jobs so that certain jobs are generally held by members of a certain protected group. Coding applications/resumes to designate an applicant's race, by either an employer or employment agency, constitutes evidence of discrimination where people of a certain race or color are excluded from employment or from certain positions.

### **Retaliation**

Employees have a right to be free from retaliation for their opposition to discrimination or their participation in an EEOC proceeding by filing a charge, testifying, assisting, or otherwise participating in an agency proceeding.

## **Statistics**

In fiscal year 2005, EEOC received 26,740 charges of race discrimination. EEOC resolved 27,411 race charges in FY 2005, and recovered \$76.5 million in monetary benefits for charging parties and other aggrieved individuals (not including monetary benefits obtained through litigation).

# Religious Discrimination

Title VII of the Civil Rights Act of 1964 prohibits employers from discriminating against individuals because of their religion in hiring, firing, and other terms and conditions of employment. Title VII covers employers with 15 or more employees, including state and local governments. It also applies to employment agencies and to labor organizations, as well as to the federal government.

Under Title VII:

Employers may not treat employees or applicants more or less favorably because of their religious beliefs or practices - except to the extent a religious accommodation is warranted. For example, an employer may not refuse to hire individuals of a certain religion, may not impose stricter promotion requirements for persons of a certain religion, and may not impose more or different work requirements on an employee because of that employee's religious beliefs or practices.

Employees cannot be forced to participate -- or not participate -- in a religious activity as a condition of employment.

Employers must reasonably accommodate employees' sincerely held religious practices unless doing so would impose an undue hardship on the employer. A reasonable religious accommodation is any adjustment to the work environment that will allow the employee to practice his religion. An employer might accommodate an employee's religious beliefs or practices by allowing: flexible scheduling, voluntary substitutions or swaps, job reassignments and lateral transfers, modification of grooming requirements and other workplace practices, policies and/or procedures.

An employer is not required to accommodate an employee's religious beliefs and practices if doing so would impose an undue hardship on the employers' legitimate business interests. An employer can show undue hardship if accommodating an employee's religious practices requires more than ordinary administrative costs, diminishes efficiency in other jobs, infringes on other employees' job rights or benefits, impairs workplace safety, causes co-workers to carry the accommodated employee's share of potentially hazardous or burdensome work, or if the proposed accommodation conflicts with another law or regulation.

Employers must permit employees to engage in religious expression, unless the religious expression would impose an undue hardship on the employer. Generally, an employer may not place more restrictions on religious expression than on other forms of expression that have a comparable effect on workplace efficiency.

Employers must take steps to prevent religious harassment of their employees. An employer can reduce the chance that employees will engage unlawful religious harassment by implementing an anti-harassment policy and having an effective procedure for reporting, investigating and correcting harassing conduct.

It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on religion or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under Title VII.

## Statistics

In Fiscal Year 2005, EEOC received 2,340 charges of religious discrimination. EEOC resolved 2,352 religious discrimination charges and recovered \$6.1 million in monetary benefits for charging parties and other aggrieved individuals (not including monetary benefits obtained through litigation).

# Retaliation

An employer may not fire, demote, harass or otherwise "retaliate" against an individual for filing a charge of discrimination, participating in a discrimination proceeding, or otherwise opposing discrimination. The same laws that prohibit discrimination based on race, color, sex, religion, national origin, age, and disability, as well as wage differences between men and women performing substantially equal work, also prohibit retaliation against individuals who oppose unlawful discrimination or participate in an employment discrimination proceeding.

In addition to the protections against retaliation that are included in all of the laws enforced by EEOC, the Americans with Disabilities Act (ADA) also protects individuals from coercion, intimidation, threat, harassment, or interference in their exercise of their own rights or their encouragement of someone else's exercise of rights granted by the ADA.

There are three main terms that are used to describe retaliation. Retaliation occurs when an employer, employment agency, or labor organization takes an **adverse action** against a **covered individual** because he or she engaged in a **protected activity**. These three terms are described below.

## Adverse Action

An adverse action is an action taken to try to keep someone from opposing a discriminatory practice, or from participating in an employment discrimination proceeding. Examples of adverse actions include:

- employment actions such as termination, refusal to hire, and denial of promotion,

- other actions affecting employment such as threats, unjustified negative evaluations, unjustified negative references, or increased surveillance, and

- any other action such as an assault or unfounded civil or criminal charges that are likely to deter reasonable people from pursuing their rights.

Adverse actions do not include petty slights and annoyances, such as stray negative comments in an otherwise positive or neutral evaluation, "snubbing" a colleague, or negative comments that are justified by an employee's poor work performance or history.

Even if the prior protected activity alleged wrongdoing by a different employer, retaliatory adverse actions are unlawful. For example, it is unlawful for a worker's current employer to retaliate against him for pursuing an EEO charge against a former employer.

Of course, employees are not excused from continuing to perform their jobs or follow their company's legitimate workplace rules just because they have filed a complaint with the EEOC or opposed discrimination.

For more information about adverse actions, see EEOC's Compliance Manual Section 8, Chapter II, Part D.

## Covered Individuals

Covered individuals are people who have opposed unlawful practices, participated in proceedings, or requested accommodations related to employment discrimination based on race, color, sex, religion, national origin, age, or disability. Individuals who have a close association with someone who has engaged in such protected activity also are covered individuals. For example, it is illegal to terminate an employee because his spouse participated in employment discrimination litigation.



Individuals who have brought attention to violations of law other than employment discrimination are NOT covered individuals for purposes of anti-discrimination retaliation laws. For example, "whistleblowers" who raise ethical, financial, or other concerns unrelated to employment discrimination are not protected by the EEOC enforced laws.

## **Protected Activity**

Protected activity includes:

### **Opposition to a practice believed to be unlawful discrimination**

Opposition is informing an employer that you believe that he/she is engaging in prohibited discrimination. Opposition is protected from retaliation as long as it is based on a reasonable, good-faith belief that the complained of practice violates anti-discrimination law; and the manner of the opposition is reasonable.

Examples of protected opposition include:

- Complaining to anyone about alleged discrimination against oneself or others;
- Threatening to file a charge of discrimination;
- Picketing in opposition to discrimination; or
- Refusing to obey an order reasonably believed to be discriminatory.

Examples of activities that are NOT protected opposition include:

- Actions that interfere with job performance so as to render the employee ineffective; or
- Unlawful activities such as acts or threats of violence.

### **Participation in an employment discrimination proceeding.**

Participation means taking part in an employment discrimination proceeding. Participation is protected activity even if the proceeding involved claims that ultimately were found to be invalid. Examples of participation include:

- Filing a charge of employment discrimination;
- Cooperating with an internal investigation of alleged discriminatory practices; or
- Serving as a witness in an EEO investigation or litigation.

A protected activity can also include requesting a reasonable accommodation based on religion or disability.

For more information about Protected Activities, see EEOC's Compliance Manual, Section 8, Chapter II, Part B - Opposition and Part C - Participation.

## **Statistics**

In Fiscal Year 2004, EEOC received 22,740 charges of retaliation discrimination based on all statutes enforced by EEOC. The EEOC resolved 24,751 retaliation charges in 2004, more than were filed during the course of the Fiscal Year, and recovered more than \$90 million in monetary benefits for charging parties and other aggrieved individuals (not including monetary benefits obtained through litigation).

# Sex-Based Discrimination

Title VII of the Civil Rights Act of 1964 protects individuals against employment discrimination on the basis of sex as well as race, color, national origin, and religion. Title VII applies to employers with 15 or more employees, including state and local governments. It also applies to employment agencies and to labor organizations, as well as to the federal government.

It is unlawful to discriminate against any employee or applicant for employment because of his/her sex in regard to hiring, termination, promotion, compensation, job training, or any other term, condition, or privilege of employment. Title VII also prohibits employment decisions based on stereotypes and assumptions about abilities, traits, or the performance of individuals on the basis of sex. Title VII prohibits both intentional discrimination and neutral job policies that disproportionately exclude individuals on the basis of sex and that are not job related.

Title VII's prohibitions against sex-based discrimination also cover:

## **Sexual Harassment**

This includes practices ranging from direct requests for sexual favors to workplace conditions that create a hostile environment for persons of either gender, including same sex harassment.

## **Pregnancy Based Discrimination**

Title VII was amended by the Pregnancy Discrimination Act, which prohibits discrimination on the basis of pregnancy, childbirth and related medical conditions.

The Equal Pay Act of 1963 requires that men and women be given equal pay for equal work in the same establishment. The jobs need not be identical, but they must be substantially equal. Title VII also prohibits compensation discrimination on the basis of sex. Unlike the Equal Pay Act, however, Title VII does not require that the claimant's job be substantially equal to that of a higher paid person of the opposite sex or require the claimant to work in the same establishment.

It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on sex or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under Title VII.

## Statistics

In Fiscal Year 2005, EEOC received 23,094 charges of sex-based discrimination. EEOC resolved 23,743 sex discrimination charges in FY 2005 and recovered \$91.3 million in monetary benefits for charging parties and other aggrieved individuals (not including monetary benefits obtained through litigation).

# Sexual Harassment

Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964. Title VII applies to employers with 15 or more employees, including state and local governments. It also applies to employment agencies and to labor organizations, as well as to the federal government.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.

The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.

The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.

Unlawful sexual harassment may occur without economic injury to or discharge of the victim.

The harasser's conduct must be unwelcome.

It is helpful for the victim to inform the harasser directly that the conduct is unwelcome and must stop. The victim should use any employer complaint mechanism or grievance system available.

When investigating allegations of sexual harassment, EEOC looks at the whole record: the circumstances, such as the nature of the sexual advances, and the context in which the alleged incidents occurred. A determination on the allegations is made from the facts on a case-by-case basis.

Prevention is the best tool to eliminate sexual harassment in the workplace. Employers are encouraged to take steps necessary to prevent sexual harassment from occurring. They should clearly communicate to employees that sexual harassment will not be tolerated. They can do so by providing sexual harassment training to their employees and by establishing an effective complaint or grievance process and taking immediate and appropriate action when an employee complains.

It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on sex or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under Title VII.

## Statistics

In Fiscal Year 2005, EEOC received 12,679 charges of sexual harassment. 14.3% of those charges were filed by males. EEOC resolved 12,859 sexual harassment charges in FY 2004 and recovered \$47.9 million in monetary benefits for charging parties and other aggrieved individuals (not including monetary benefits obtained through litigation).

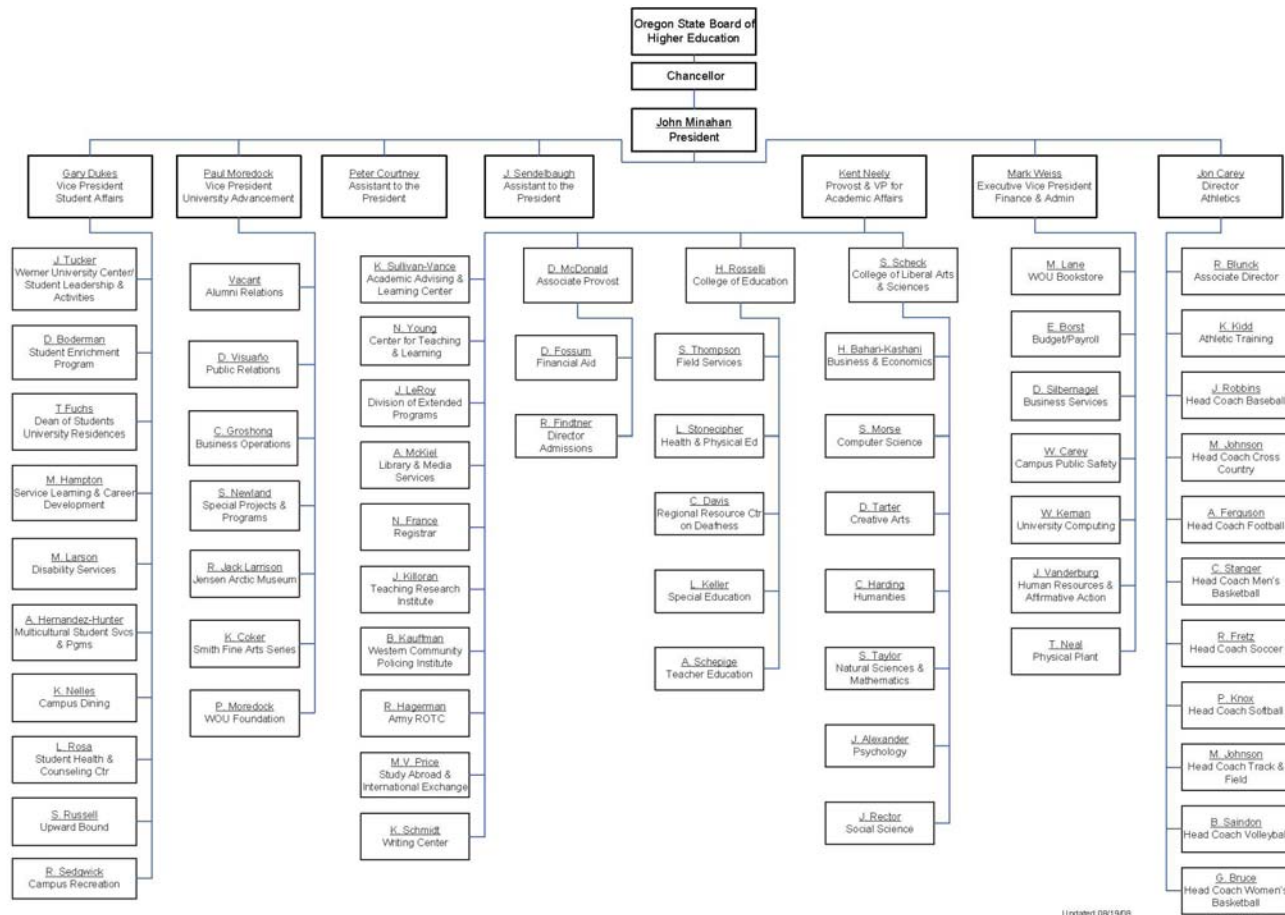
Charge Statistics: Sexual Harassment

Trends in Harassment Charges Filed With The EEOC During the 1980s and 1990s

# **APPENDIX C**

# Western Oregon University

## Organization Chart



Updated 09/19/09