

HUMAN RESOURCES Policy – ADDENDUM TO HARASSMENT AND DISCRIMINATION POLICIES

This is an addendum to the [University’s Harassment and Discrimination Policy](#). Other relevant policies of the University include the [University’s Equal Opportunity and Nondiscrimination Policy](#), the [University’s Statement of Inclusion](#), and the [Title IX Sexual Harassment Policy](#) (together, the “University’s Harassment and Discrimination Related Policies.”)

Summary and Definitions

As set out in the University’s Harassment and Discrimination Related Policies and consistent with applicable laws, the University prohibits unlawful discrimination and unlawful harassment on the basis of race, color, national or ethnic origin, sex, gender, disability, age, religion, sexual orientation, social or economic class, marital status, or any other basis protected by and consistent with federal, state, and/or other applicable laws. These are referred to as “legally protected classes.”

Under the University’s Harassment and Discrimination Policies, “unlawful discrimination” and “unlawful harassment” include the following types of prohibited conduct: discrimination on the basis of legally protected class(es), harassment on the basis of legally protected class(es), adverse impact discrimination on the basis of legally protected class(es), sexual harassment, sexual assault, and failure to accommodate an employee or applicant's religious belief, observance or practice.¹

Examples of unlawful discrimination and unlawful harassment are provided by the Oregon Bureau of Labor & Industries on its website at: [Information About Unlawful Discrimination](#) and [Information about Sexual Harassment](#).

The University prohibits unlawful discrimination and unlawful harassment on any physical or non-physical property of the University (such as electronic, internet, or social media

¹ More information about what constitutes unlawful discrimination and unlawful harassment are at: Oregon Administrative Regulations (OAR) 839-005-0010 and 839-005-0030.

site), at any University event, during or related to any travel on behalf of the University, and during or related to the conducting of any University business or activity regardless of location.

In interpreting and implementing the University's Harassment and Discrimination Related Policies, the University expressly reserves its rights and obligations to maintain its commitment to its Catholic identity and the doctrines of the Catholic Church.

Reporting Procedure

Any employee who observes, experiences, or is aware of unlawful discrimination or unlawful harassment at the University should report that information immediately to the University designees described herein.

Specifically, an employee may make the report orally or in writing to the employee's immediate supervisor or to higher management (*e.g.*, department head or chair, dean or associate dean, director, vice president or associate vice president, or provost or associate/assistant provost) if the employee prefers. As an alternative, an employee may report to the University's Office of Human Resources by contacting hr@up.edu or calling (503) 943-8484. Employees may report to any of the persons herein described (*e.g.* supervisor, management, or HR) and do not need to first report to their supervisor.

All University community members, including employees and managers, are encouraged to document as soon as possible any incidents of unlawful discrimination or unlawful harassment that they experience, observe, or that are reported to them. More information about University designees for reporting purposes, as well as responsibilities related to receipt of reports and reporting avenues for non-employees, is set out in the University's Harassment and Discrimination Policy.

Sanctions

Any individual found to have engaged in conduct prohibited by the University's Harassment and Discrimination Related Policies may face appropriate disciplinary action and/or sanctions, up to and including termination of employment or potential dismissal or exclusion from the University.

The University may also subject employees in management or supervisory positions who fail to report unlawful discrimination or unlawful harassment – or fail to take prompt, appropriate corrective action – to appropriate disciplinary action, up to and including potential termination of employment or expulsion or exclusion from the University.

Retaliation Protections

The University prohibits retaliation against any UP community member (employee, student, religious community member, alumnus, vendor, visitor, or other individual) for raising a concern or making a complaint regarding conduct that violates or potentially violates the University's Harassment and Discrimination Related Policies. The University will not tolerate retaliation against any UP community member for raising a good faith concern or complaint, for providing information related to a concern or complaint, or for otherwise cooperating in a resolution or investigation of a reported violation of this policy.

Any employee who engages in retaliation may be subject to appropriate disciplinary action, up to and including potential termination of employment. A non-employee UP community member who engages in retaliation may be subject to appropriate action by the University, up to and including potential dismissal or exclusion from the University.

Nondisclosure, Non-disparagement, and No-Rehire Provisions in Agreements

Under this policy, a nondisclosure provision is any term under which one or more parties agree not to discuss or disclose information regarding any complaint of work-related unlawful discrimination or unlawful harassment. A non-disparagement provision is any term by which one or more parties agree not to discredit or make negative or disparaging written or oral statements about any other party or the employer. A no-rehire provision is an agreement that prohibits an employee from seeking reemployment with the employer as a term or condition of an agreement.

The University will not require an employee claiming to be aggrieved by conduct that constitutes unlawful discrimination or harassment to enter into any agreement that has a term with the purpose or effect of preventing the employee from disclosing or discussing conduct constituting unlawful discrimination or unlawful harassment that occurred between employees or between the University and an employee in the workplace, at an off-site work-related event, or between the University and an employee off-site. This bar on nondisclosure or non-disparagement provisions does not apply to an employee who is required by law to receive confidential or privileged reports of unlawful discrimination or unlawful harassment or to any employee about whom the University makes a good faith determination that the employee has engaged in conduct prohibited by the University's Harassment and Discrimination Related Policies.

However, an employee with a concern or complaint or claiming to be aggrieved by conduct that constitutes unlawful discrimination or unlawful harassment may voluntarily request to enter into a settlement, separation, or severance agreement which contains a

nondisclosure, non-disparagement, or no-rehire provision and will have at least seven days after execution to revoke any such agreement. The University may void severance agreements for managers or administrators who violate the University's Harassment and Discrimination Related Policies.

Time Limitations

Nothing in this policy precludes any person from filing a formal grievance with the Oregon Bureau of Labor and Industries' Civil Rights Division or the United States Equal Employment Opportunity Commission. Oregon state law requires that any legal action taken on alleged discriminatory conduct (specifically that prohibited by ORS 659A.030, 659A.082 or 659A.112) commence no later than five years after the occurrence of the violation. The five-year statute of limitations will apply to conduct occurring on or after September 29, 2019. Other applicable laws may have a shorter time limitation on filing.

Providing Notice about Applicable Policies

The University will make the University's Harassment and Discrimination Related Policies available to University community members, including employees, via the University's website. Also, a copy of the University's Harassment and Discrimination Related Policies will be provided to each employee at time of hire, and any individual designated to receive complaints will provide a copy of the policies to persons bringing a complaint at the time the person discloses information regarding the potentially prohibited conduct.

Compliance with All Applicable Laws

If any part of this policy or other policies of the University in the area of unlawful discrimination and unlawful harassment is not consistent with legal requirements, the University will follow all applicable legal requirements.

** This policy is effective as of October 1, 2020.*

*** This policy was approved by the PLC as of October 1, 2020.*