

OFFICE OF EQUAL OPPORTUNITY AND ACCESS

Annual Report 2021-22



Oregon State
University



Executive Summary: Access In Action

The Office of Equal Opportunity and Access (EOA) is responsible for overseeing compliance across the university for equal opportunity, civil rights, Title IX and affirmative action laws, regulations and policies.

EOA safeguards a fair and respectful learning and working environment for students, faculty and staff — including coordinating the university's Title IX, Americans with Disabilities Act and Section 504 activities. We not only respond to reports of harassment and discrimination, we proactively create an equitable experience for our university community.

What We Do

1. Investigate and respond to complaints of OSU policy violations that fall under EOA's jurisdiction
2. Provide reasonable accommodations through an interactive process
3. Develop and implement Affirmative Action Plans
4. Review and approve waivers and exceptions to the search process
5. Provide awareness and educational training programs
6. Serve on university, local, and national councils and committees

FY21-22 EOA Accomplishments

EOA continues to handle reports and complaints on behalf of the university community. We engaged in a record number of 1023 new reports and requests in FY21-22 - a 62% increase over the previous year. For contextual purposes, accommodation reports (547) represent 9% of the employee population, employee complaints (157) represent 3% of the employee population, and student complaints (319) represent 1% of the total student population.

Responded to the Department of Education's (DOE) Notice of Proposed Rulemaking on proposed Title IX regulation changes.

Ensured all Title IX personnel involved in OSU's Title IX process (EOA investigators and administrative staff, Adjudicators in HR/ELR and SCCS, and Appellate Officers in Human Resources and Student Affairs) are in compliance with the Oregon state law HB 3415 annual training requirement.

Conducted the 2nd Sexual Violence Survey in May 2022 inviting all OSU students to participate. The intent of the survey was to assess OSU's response to incidents of sexual violence five years after the 2017 sexual violence survey; to help administrative and executive leaders understand students' experiences and attitudes related to sexual misconduct; and to deepen our understanding of students' perceptions, sense of safety, and awareness of University resources and responses.

In response to recommendations from the ADA31 Task Force, EOA, in collaboration with the Office of Audit, Risk, and Compliance, Disability Access Services, Institutional Diversity, and other campus partners:

1. Ascertained/confirmed current practices at OSU;
2. Identified the gaps between OSU's processes and practices and national best practices;
3. Identified current and active projects and plans; and,
4. Provided recommendations to OSU's leadership team related to accommodations for faculty, staff, and students, physical/building accessibility, and IT accessibility.

FY22-23 EOA Proposed Agenda

Incorporate any policy or procedural revisions based on DOE issuance of final Title IX regulation revisions.

Perform an analysis of the feedback from the 2022 Title IX Sexual Violence survey and disseminate the results to relevant groups. Results will help inform us of our progress as it relates to prevention, support services and resources.

EOA staff will continue seeking feedback from reporting and responding parties through a survey link within 30 days of their process closure. This valuable information will be an inquiry into their experience, engagement, and communication with EOA, as well as understanding and expectations of EOA's policies and processes. The real time feedback will also help facilitate the performance evaluation process.

Implement actions identified in the ADA31 Task Force Report and Recommendations in collaboration with campus partners.

Communicate OSU's new Discrimination and Discriminatory Harassment Policy on the basis of characteristics (race, sex, age, disability, orientation, religion, etc.). In addition, obtain approval of OSU's stand-alone Retaliation Policy.

Continue to provide annual training for all Title IX personnel (including any temporary contracted employees) who perform duties within OSU's Title IX Investigation and Resolution Process; and ensure the entire Athletics Department (students, coaches, coaching staff, and other administrative staff) complete sexual misconduct training in compliance with the NCAA's annual attestation requirements.

Revise and disseminate EOA's Annual Report that includes three-year trend data and analysis that informs the university community of the depth and breadth of EOA's roles and responsibilities.

I. Handling Complaints Effectively

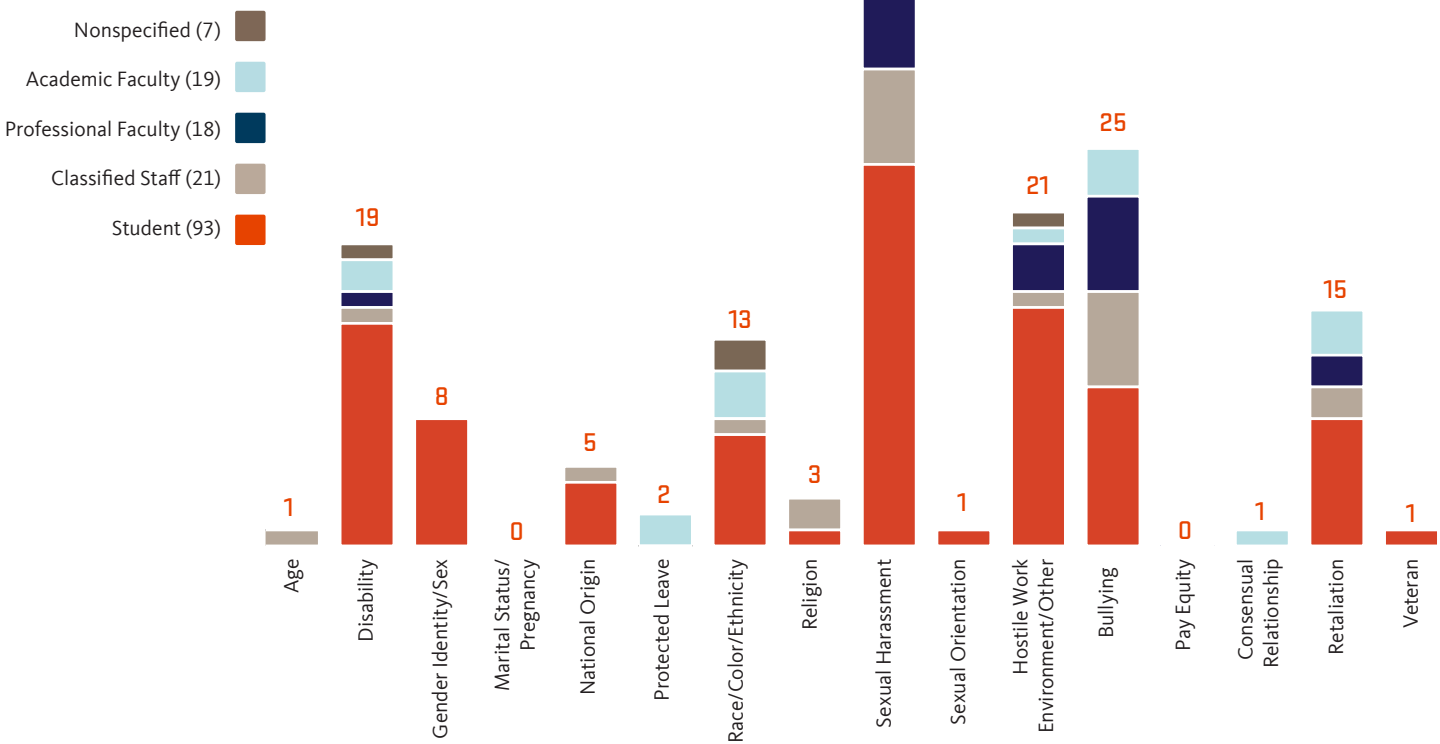
EOA uses multiple approaches to fairly resolve the variety of complaints reported.

- 1. **Investigations** involve a formal review and determination. EOA does a preliminary assessment to confirm that the issue(s) fall under EOA's jurisdiction; conducts an initial intake to determine if the report warrants an investigation; and then provides notification to the relevant parties and decisional authority, as appropriate.
- 2. **Voluntary Facilitated Resolution** involves EOA working with both the reporting and responding parties to help them reach a mutual resolution of the allegations. EOA first assesses the situation to determine whether a voluntary facilitated resolution is appropriate. Either party may refuse to participate, or once begun, end the process at any time. Upon resolution, the agreed-upon resolution is documented for closure with both parties.

- 3. **Consultation** involves individual discussions with reporting and responding parties as appropriate. These generally involve exploratory meetings with people to understand their concerns, rights and responsibilities within the university environment, to offer advice on alternative solutions and to identify resources to resolve the issue.

To access the university's policies on sexual misconduct and discrimination, retaliation, bullying and/or consensual relationships visit eoa.oregonstate.edu/policy-index.

TOTAL EMPLOYEE COMPLAINTS BY BASIS **FIGURE 1**



THREE-YEAR COMPLAINTS | BY BASIS

FIGURE 2

TYPE	STUDENT			CLASSIFIED			PROFESSIONAL			ACADEMIC			NACA*			TOTAL			TOTALS
	FY20	FY21	FY22	FY20	FY21	FY22	FY20	FY21	FY22	FY20	FY21	FY22	FY20	FY21	FY22	FY20	FY21	FY22	
Age	2	0	0	0	1	1	1	0	0	1	0	0	0	0	0	4	1	1	6
Disability	4	7	14	5	5	1	4	4	1	2	1	2	0	0	1	15	17	19	51
Gender Identity/Sex	2	4	8	1	2	0	0	3	0	2	2	0	0	0	0	5	11	8	24
Marital Status/Pregnancy	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	2	3	4	0	0	1	0	1	0	1	1	0	0	0	0	3	5	5	13
Protected Leave	0	0	0	0	1	0	0	0	0	0	0	2	0	0	0	0	1	2	3
Race/Color/Ethnicity	1	15	7	2	4	1	5	5	0	7	3	3	1	1	2	16	28	13	57
Religion	1	1	1	0	1	2	0	0	0	0	0	0	1	0	0	2	2	3	7
Sexual Harassment	18	3	24	8	4	6	7	15	6	6	7	4	2	0	3	41	29	43	113
Sexual Orientation	0	1	1	0	1	0	1	0	0	0	0	0	0	0	0	1	2	1	4
Hostile Environment/Other	0	0	15	8	1	1	10	3	3	4	0	1	0	0	1	22	4	21	47
Bullying	5	4	10	11	5	6	12	8	6	7	4	3	0	1	0	35	22	25	82
Consensual Relationship Complaint/Agreement	0	0	0	0	0	0	2	0	0	0	0	1	0	0	0	2	0	1	3
Pay Equity	0	0	0	0	0	0	3	1	0	2	2	0	0	0	0	5	3	0	8
Retaliation	5	4	8	4	1	2	9	3	2	4	2	3	0	0	0	22	10	15	47
Veteran	1	1	1	0	0	0	0	1	0	0	0	0	0	0	0	1	2	1	4
Totals	41	43	93	39	26	21	54	44	18	36	22	19	4	2	7	174	137	158	469

*NACA includes any complaint where the reporter is not specified, anonymous, community, or applicant.

SUMMARY:

A total of **1023 reports and requests** were handled in FY21-22. As reflected in Figure 3, EOA handled 290 reports of student sexual misconduct, 43 reports of employee sexual misconduct, 114 discrimination, harassment, bullying, retaliation, and consensual relationship reports, and 29 reports related to mandatory child abuse. Figure 3 further shows the approach to employee reports. Details of the sexual misconduct reports can be found in Figure 4 and Figure 5. EOA’s response to 547 requests for accommodations are addressed in Section II.

STUDENT SEXUAL MISCONDUCT:
CASE RESOLUTIONS

Figure 4 shows that of the **290 reports of student sexual misconduct**, 253 females, 28 males, and 9 trans/nonbinary individuals reported incidents.

Figure 5 show that 95% of the student reports were resolved by providing involved parties with resources only, interim measures or voluntary facilitated resolution. Through education, enforcement and accountability for these types of behaviors, we hope as an institution to be ever vigilant in reducing these incidents.

FIGURE 3

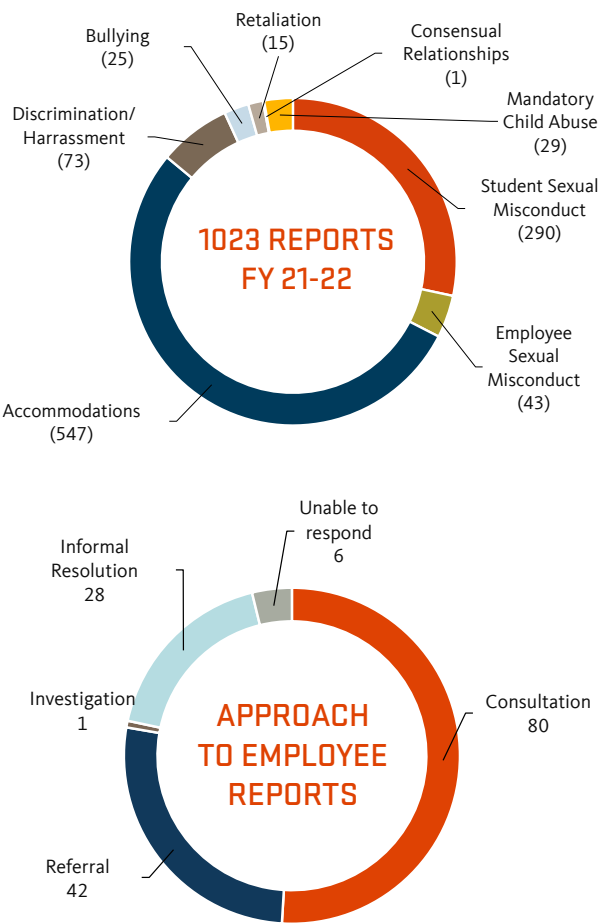


FIGURE 4

STUDENT REPORTS BY SEXUAL
MISCONDUCT TYPE

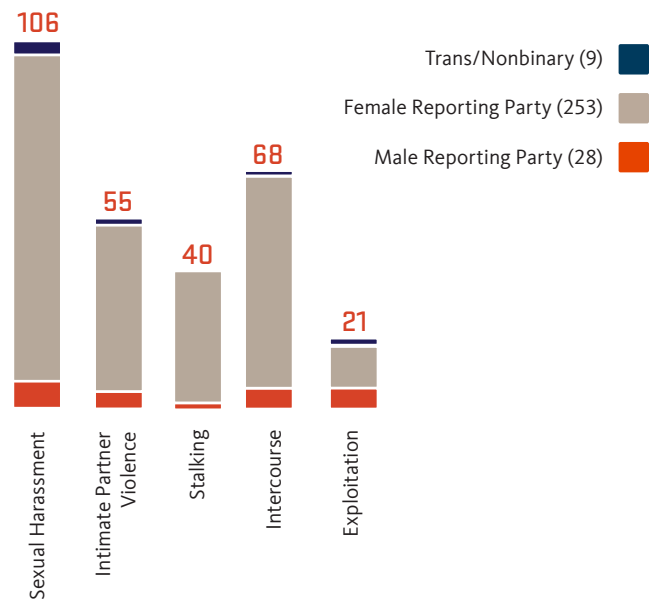


FIGURE 5

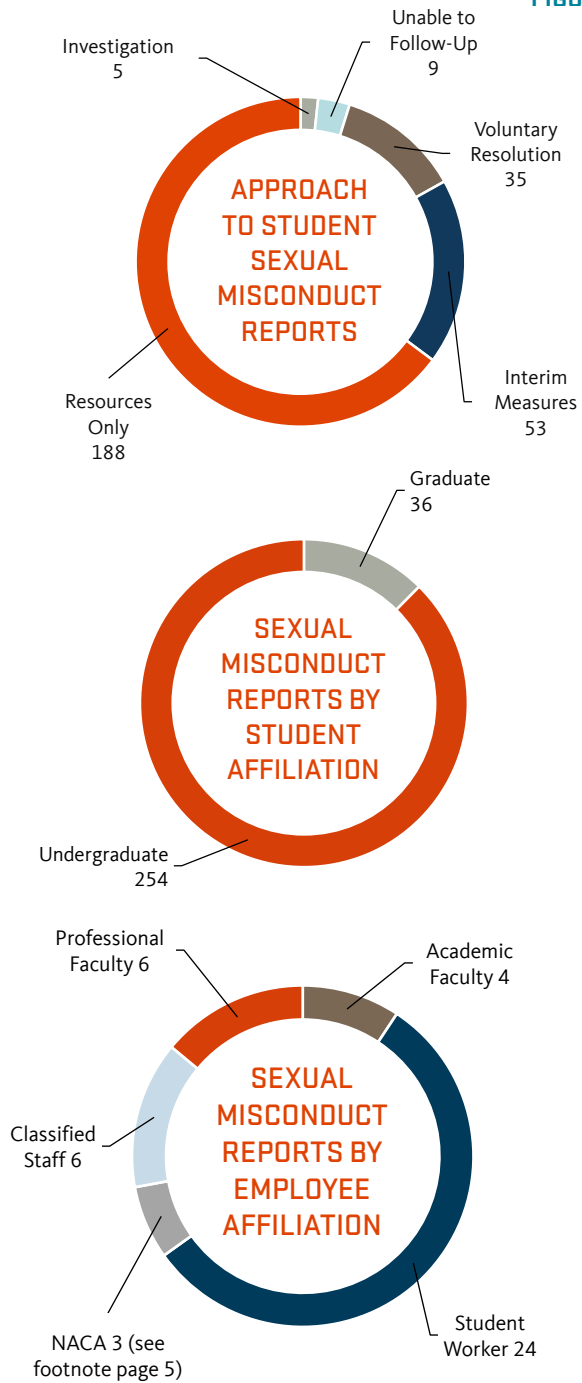


Figure 6 depicts total cases/reports to EOA over the past three years (FY20-22). Figure 7 depicts EOA's approach to responding to employee-only reported concerns during that time frame.

THREE-YEAR TOTAL REPORTS/REQUESTS FIGURE 6

	FY20	FY21	FY22	Total
Accommodations	221	133	547	901
Title VII	73	76	73	222
Student Sexual Misconduct	230	104	290	624
Employee Sexual Misconduct	42	29	43	114
Bullying	35	22	25	82
Retaliation	22	10	15	47
Consensual Relationship	2	0	1	3
Mandatory Child Abuse Report	23	18	29	70
Totals	648	392	1023	2063

APPROACH TO ALL EMPLOYEE REPORTS FIGURE 7

Approach	FY20	FY21	FY22	Total
Referral	53	37	42	132
Consultation	81	64	80	225
Voluntary Resolution	13	22	28	63
Investigation	16	5	1	22
Unable to Respond	11	9	6	26
Totals	174	137	157	468

Figure 8 depicts total reports to EOA by student sexual misconduct type over the past three years (FY20-22). Figure 9 depicts EOA's approach to student-only reports of sexual misconduct during that time frame.

REPORTS BY STUDENT SEXUAL MISCONDUCT TYPE FIGURE 8

	FY20	FY21	FY22	Total
Sexual Harassment	78	29	106	213
Intimate Partner Violence	28	21	55	104
Stalking	46	16	40	102
Sexual Intercourse	72	36	68	176
Exploitation	6	2	21	29
Totals	230	104	290	624

APPROACH TO STUDENT SEXUAL MISCONDUCT REPORTS FIGURE 9

Approach	FY20	FY21	FY22	Total
Resources Only	149	69	188	406
Voluntary Resolution	25	10	35	70
Interim Measures	37	14	53	104
Investigation	9	5	5	19
Unable to Follow Up	10	6	9	25
Totals	230	104	290	624

II. Ensuring Reasonable Accommodations and Accessibility

EOA works closely with supervisors, faculty, staff, and students to determine whether individuals qualify for a reasonable accommodation. EOA also investigates allegations of discrimination and works with units and departments to remedy any findings.

SUMMARY:

Figure 10 depicts a breakdown of the **547 accommodation and accessibility requests in FY22**. Figure 11 also depicts accommodations by affiliation. Crime victims are those who qualify for protected domestic-violence leave.

Accommodation expenses vary, especially around COVID: \$124,000 in FY20, \$7,154 in FY21, and **\$13,000 in FY22**. EOA typically splits costs with units. Expenses typically include interpreting, technology, furniture, and construction. Historically, the average accommodation costs \$500, however, expenditures fluctuate on a case-by-case and year-by-year basis.

FIGURE 10

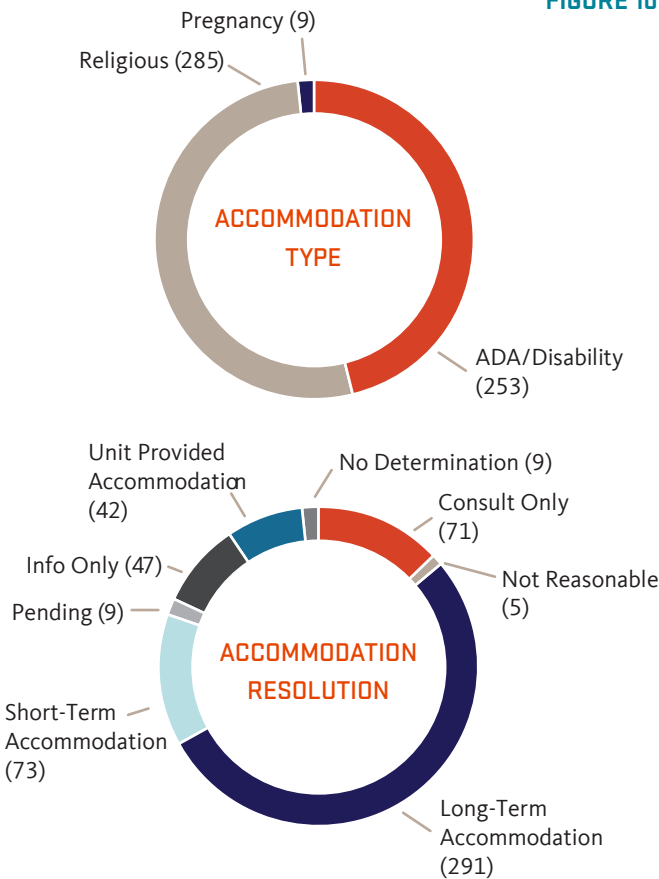


FIGURE 11

THREE-YEAR ACCOMMODATION REQUESTS

	FY20	FY21	FY22	TOTAL
Type				
Disability/ADA	216	124	253	593
Religious	2	4	285	291
DV/Crime Victim	0	1	0	1
Pregnancy	3	4	9	16
Total	221	133	547	901

Affiliation				
Students & Student Workers	45	23	108	176
Professional Faculty	56	44	137	237
Academic Faculty	35	17	79	131
Classified Staff	71	44	215	330
Other*	14	5	8	27
Total	221	133	547	901

Resolution				
Long-Term Accommodation	43	22	291	356
Not Reasonable	0	0	5	5
Short-Term Accommodation	41	18	73	132
Medical Separation	1	0	0	1
Pending	12	11	9	32
Consult Only	124	47	71	242
Information Only	-	17	47	64
Unit Provided Accommodation	-	18	42	60
No Determination	-	-	9	9
Total	221	133	547	901

*Other includes program participants, academic wage appointments, job applicants, temporary support staff, and unaffiliated

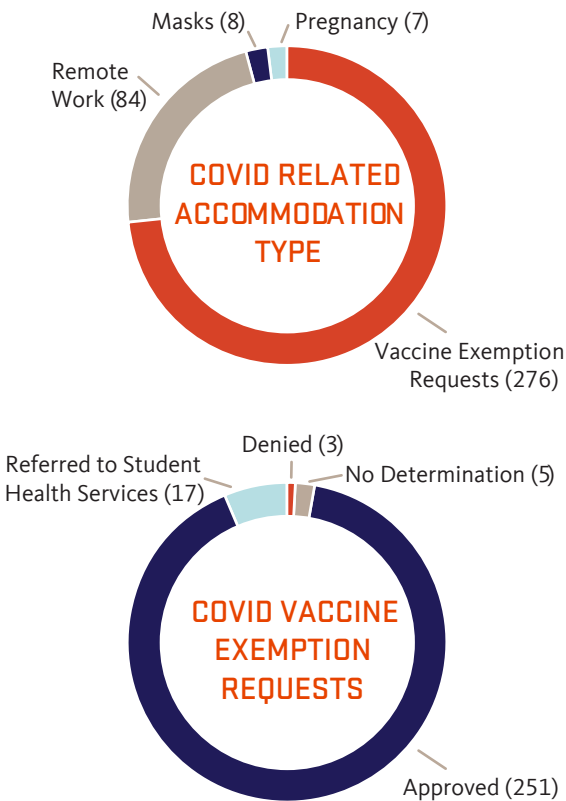
COVID-19 RELATED ACCOMMODATION REQUESTS

EOA has fielded numerous accommodation requests related to COVID. In FY21 26 of the 133 accommodation requests received were for COVID specific reasons. In FY22 368 of the 547 accommodation requests received were COVID specific. The majority of these COVID requests were for vaccine exemptions and remote work requests.

Figure 12 details COVID-19 specific accommodation requests by type, and further provides details about determinations based on vaccine exemption requests. Note that the numbers of COVID related accommodations by type do not add up to 368 because some requests contained multiple rationale. EOA only fielded vaccine exemption requests from employees, non-employee students were directed to Student Health Services.



FIGURE 12



PHYSICAL ENVIRONMENT ACCESSIBILITY PRIORITIES

- 1. Continued improvements towards an accessible travel grid.
- 2. Continued focus on the Community Hall Slope over the next 10+ years. The first phase around Furman Hall and the Pharmacy Building was completed in 2022.
- 3. Reconstruction of Washington Way, including remediation of more than 90 accessibility barriers within the corridor.
- 4. Expansion of OSU-Cascades, with a focus on accessibility.

ELEMENTS CONSTRUCTED TO IMPROVE ACCESSIBILITY

FIGURE 13

	2010-2019*	2020-2022*	TOTAL
Accessible Parking Spaces	219	43	262
Accessible Ramps	65	7	72
Accessible Restrooms	353	74	427
Elevators	35	10	45
Automatic Door Openers	336	87	423

*Full calendar years



III. Advancing Our Affirmative Action Goals

Developing the university's Affirmative Action Plan (AAP) is one of EOA's primary responsibilities. The AAP is a snapshot of the university's workforce that:

1. Shows the representation of women, minorities, veterans and people with disabilities across organizational units.
2. Summarizes the workforce by job title, pay and promotional and/or developmental opportunities.
3. Examines the current workforce compared to people in similar job groups based on U.S. Census Bureau data and statistics, surveys of earned doctorates, graduation statistics, the internal labor pool and other sources to determine where efforts are needed to further diversify our workforce so that it reflects parity with availability.
4. Identifies goals for job groups where the existing workforce and availability statistics are significantly different.

SUMMARY:

Figure 14 provides a snapshot of Oregon State University's workforce in broad employee groups as of December 1, 2021. It shows areas where we as an institution have work to do (i.e., all employee groups under academic faculty, executives, second-tier executives, faculty leaders, executive-level coaches classified skilled-craft positions, veterans and people with disabilities).

Figures 15 provides a three-year comparison of OSU's workforce, along with hires in the same broad employee groups (academic faculty, professional faculty and classified staff).

OSU WORKFORCE SNAPSHOT | DECEMBER 1, 2021 (ALL OSU EMPLOYEES)

FIGURE 14

	Male	Female	Veteran	IWD	Hisp	Black AA	Asian	NHOPI	NA/AI	Two or More	White	Total
ACADEMIC FACULTY												
Tenure/Tenure-Track	547	324	3	23	59	11	145	3	4	17	632	871
Fixed-Term Professorial	95	124	2	8	14	4	17	0	0	1	183	219
Research Associates/ Faculty RAs	247	209	9	4	20	2	47	2	1	6	378	456
Instructors	326	417	13	21	42	9	40	2	5	21	624	743
Total	1215	1074	27	56	135	26	249	7	10	45	1817	2289
PROFESSIONAL FACULTY												
Executives	19	14	1	0	1	2	0	0	0	1	29	33
Second-Tier Executives	24	26	3	6	2	1	1	0	0	3	43	50
Faculty Leaders	66	48	1	1	9	2	9	0	0	1	93	114
Executive-Level Coaches	5	0	0	0	0	0	0	0	0	0	5	5
Managers	268	358	20	31	40	14	21	1	4	13	533	626
Individual Contributors	642	960	40	70	114	32	71	9	10	46	1320	1602
Total	1024	1406	65	108	166	51	102	10	14	64	2023	2430
CLASSIFIED STAFF												
Professional	91	224	10	18	23	3	25	0	4	5	255	315
Clerical and Secretarial	31	271	6	19	13	1	2	0	3	11	272	302
Technical and Paraprofessional	207	259	17	17	42	2	19	1	7	8	387	466
Skilled Crafts	174	55	1	5	14	0	5	2	2	6	200	229
Service and Maintenance	123	90	5	9	40	3	6	2	4	6	152	213
Total	626	899	57	68	132	9	57	5	20	36	1266	1525
GRAND TOTAL	2865	3379	149	232	433	86	408	22	44	145	5106	6244

Note: IWD = Individual with a Disability, AA = African American, NHOPI = Native Hawaiian Other Pacific Islander, NA = Native Alaskan, AI = American Indian

Second-Tier Executives include executive directors, directors, associate vice provosts, etc.

Faculty Leaders include deans, chairs, regional administrative and department heads, etc.

Professional includes higher-level classified employees such as registered nurses, accountants, project managers, etc.

OSU WORKFORCE SNAPSHOT AND HIRES | 2019-2021 COMPARISON (ALL OSU EMPLOYEES)

FIGURE 15

		Male	Female	Vet	IWDs	Hispanic	Black AA	Asian	NHOPI	NA/AI	Two or More	White	Total
ACADEMIC FACULTY													
2019	Workforce	1277	1106	27	30	124	34	258	8	10	47	1902	2383
2020	Workforce	1220	1058	32	55	126	28	251	6	9	48	1810	2278
2021	Workforce	1215	1074	27	56	135	26	249	7	10	45	1817	2289
2019	Hires	112	112	5	2	11	5	26	1	1	6	174	224
2020	Hires	77	117	5	4	14	2	26	0	1	10	141	194
2021	Hires	136	192	6	29	35	6	37	3	1	12	234	328
PROFESSIONAL FACULTY													
2019	Workforce	1033	1382	68	50	153	48	79	9	14	58	2054	2415
2020	Workforce	1003	1371	77	97	162	50	86	7	16	58	1995	2374
2021	Workforce	1024	1406	65	108	166	51	102	10	14	64	2023	2430
2019	Hires	134	167	13	2	20	6	14	0	1	9	251	301
2020	Hires	72	97	6	9	13	3	16	0	1	9	127	169
2021	Hires	169	283	16	69	49	14	25	4	1	24	335	452
CLASSIFIED STAFF													
2019	Workforce	669	1034	61	41	132	14	59	5	19	46	1428	1703
2020	Workforce	641	972	70	75	141	15	70	5	20	40	1322	1613
2021	Workforce	626	899	57	68	132	9	57	5	20	36	1266	1525
2019	Hires	136	196	16	7	27	4	13	0	4	9	275	332
2020	Hires	80	111	8	6	15	3	12	1	2	7	151	191
2021	Hires	152	214	10	45	31	6	17	1	0	13	298	366

IV. Limiting Exceptions to Competitive Hiring Practices

Oregon State University has a long-established practice of filling the majority of employment openings by conducting open, fair and competitive searches. While open recruitment allows us to benefit from the vast experiences and diversity of our communities, there are times when noncompetitive searches are appropriate. Figure 16 provides a summary of search waiver approvals and denials during FY20-22 and Figure 17 provides a detailed breakdown.

SUMMARY:

Of the **217 requests** made during FY22, “position nonexistent without appointee” was the majority of approvals for search waivers; and “promotion of a current employee” was the majority of approvals for search exceptions. EOA is currently working with HR to shift how promotions are processed in the next revision of protocols for search waivers.

SEARCH PROCESS WAIVERS AND EXCEPTIONS

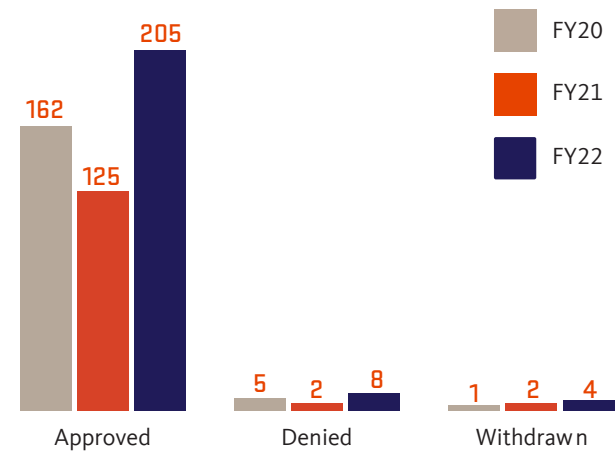


FIGURE 16

FIGURE 17

DETAILS OF WAIVERS AND EXCEPTIONS

WAIVERS	FY 20	FY21	FY22
Dual-career hire	13	2	11
Position nonexistent without appointee	26	23	31
Emergency circumstance	9	10	8
Appointee is PI on a grant	4	2	5
Non-regular employee doing OSU work	4	0	1
Total	56	37	56

OTHER SEARCH EXCEPTIONS			
Promotion of current employee	45	58	109
Reorganization of a unit or department	14	6	11
Lateral movement of a current employee	3	4	5
Transfer of employee to workgroup	3	1	8
New position better describes work	25	13	7
Administrative title change	5	0	2
Other	11	6	7
Total	106	88	149

DECLINED			
Withdrawn after initial consult	1	2	4
Denied through system review	5	2	8
Total	6	4	12

GRAND TOTALS	168	129	217
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V. Building Awareness and Educational Training

EOA staff dedicated a significant amount of time to developing and delivering prevention education and awareness training for the campus community in the areas of sexual violence prevention and response, equal opportunity, universal access and design, and diversity, equity, and inclusion.

SUMMARY:

During FY22, EOA offered diverse training programs and presentations that **included 4,715 individual participants**. The three-year snapshot in Figure 18 reflects a small decline experienced in FY 21 and FY 22 due to the ongoing challenges with COVID-19 and remote working/learning. In addition, online critical training modules are now required for employees, likely contributing to the small decline as well.

FIGURE 18

PRESENTATIONS/TRAINING BY SUBJECT MATTER

TYPE	PARTICIPANTS		
	FY20	FY21	FY22
Subject Matter			
Sexual Harassment/Title IX	1517	953	891
Responsible Employee	1237	771	716
Discrimination	1104	300	754
Disability Inclusion/ADA	909	1761	959
Bullying	26	224	513
Mandatory Reporter	889	652	775
Affirmative Action	163	66	107
Total	5845	4727	4715





Office of Equal Opportunity and Access | eo.oregonstate.edu | 541-737-3556

EOA strives to ensure a just and respectful learning and working environment for students, faculty and staff. Individuals who believe they have been unlawfully harassed or discriminated against are encouraged to contact us.

This publication will be made available in an accessible alternative format upon request.