

Board of Trustees of the University of Oregon

**Resolution: Relating to Required Disclosure by the Ombudsperson; Amendment to UO Policy
Seconded Motion from the Academic and Student Affairs Committee**

Whereas, UO Policy 571-003-0025(2)(a) (the "Policy") requires all University of Oregon (the "University") employees to report prohibited discrimination and thereby may cause all employees to become "responsible employees" for Title IX purposes under guidance issued by the U.S. Department of Education's Office of Civil Rights;

Whereas, "responsible employees" have obligations to report information they receive about sexual violence, including reporting such information to the University's Title IX coordinator;

Whereas, such reporting obligations preclude the University's Ombuds Office from serving as a confidential resource for persons experiencing prohibited discrimination, including sexual violence;

Whereas, the Board of Trustees of the University of Oregon (the "Board") believes it is important for victims of prohibited discrimination, including sexual violence, to have a confidential resource such as an Ombuds Office where they may share concerns or seek to informally resolve matters, including prohibited discrimination such as sexual violence;

Whereas, amending the Policy to exempt UO employees designated as an "ombudsperson" from required reporting would help enable the Ombuds Office to serve as a confidential resource for persons who experience prohibited discrimination such as sexual violence;

Whereas ORS 352.107(m) gives the Board the authority to establish policies for the organization, administration and development of the university; and

Whereas, pursuant the Board's Policy on Committees, the Academic and Student Affairs Committee has referred to the full Board of Trustees as a seconded motion the following resolution;

Now, therefore, the Board of Trustees of the University of Oregon hereby amends UO Policy 571-003-0025(2)(a) by adding the italicized language below:

"University employees with credible evidence that any form of prohibited discrimination is occurring have the responsibility to inform their supervisors or the Office of Affirmative Action. Credible evidence is evidence of the kind that prudent people would rely on in making important personal or business decisions. Notwithstanding the above, University employees designated as an "ombudsperson" who receive information about prohibited discrimination from persons participating in the University's ombuds program are not required to disclose that information to other persons, unless: (1) the person providing the information consents to the disclosure; or (2) failing to disclose information could create in imminent risk of serious harm."

VOTE: Voice Vote Recorded – Ayes carried (no dissention)

DATE: December 11, 2014

Recorded by the University Secretary: 