

DISCIPLINE GUIDE EXAMPLE

MISCONDUCT	MITIGATED DISCIPLINE	PRESUMPTIVE DISCIPLINE	AGGRAVATED DISCIPLINE
Sexual Harassment (verbal)			
Sexual Harassment (Physical Contact)			
Sexual Assault			

Definitions

“Sexual harassment” means unwelcome, unwanted or offensive sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of the individual’s employment, or is used as a basis for any employment decision (granting leave requests, promotion, favorable performance appraisal, etc.); or
- (2) Such conduct is unwelcome, unwanted or offensive and has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment. DAS policy (50.010.01)

“Sexual assault” means unwanted conduct of a sexual nature that is inflicted upon a person or compelled through the use of physical force, manipulation, threat or intimidation. ORS 243.317

Potential Mitigating Factors

- Potential for training to correct/rehabilitate behavior
- Limited nature and extent of the consequences or harm caused by the misconduct

Potential Aggravating Factors

- Low probability or limited potential for rehabilitation
- Significant distress or injury resulting from the misconduct