

DISCRIMINATION AND HARASSMENT POLICY

All complaints about behavior that may violate this policy shall be promptly investigated. Any student or employee who has knowledge of conduct in violation of this policy or feels he or she is a victim of harassment or discrimination must immediately report his or her concerns to the appropriate management authority. It is the intent of the Board that appropriate corrective action will be taken by the College to stop any form of discrimination or harassment that may occur, prevent its recurrence, and address negative consequences. Appropriate disciplinary measures for all substantiated incidents of discrimination or harassment will be taken, up to and including termination for employees or suspension for students.

Definitions

1. **Harassment:** Any conduct which has the purpose or the effect of unreasonably interfering with an individual's education or performance of duties or creates an intimidating, hostile or offensive environment and is based on a person's race, color, religion, and ethnicity, national origin, sex, sexual orientation, marital status, disability, veteran status, gender identity or age.

Any form of harassment using electronic devices by staff, students or third parties is prohibited and will not be tolerated by the College.

2. **Sexual Harassment:** Requests for sexual favors and other verbal, nonverbal, or physical conduct of a sexual nature when:
 - A. The conduct or communication has the purpose or effect of demanding sexual favors in exchange for benefits;
 - B. Submission to or rejection of the conduct or communication is used as the basis for educational decisions affecting a student, or employment or assignment of staff;
 - C. The conduct or communication is so severe, persistent, or pervasive that it has the purpose or effect of unreasonably interfering with a student's educational performance or with an employee's ability to perform his/her job; or creates an intimidating, offensive, or hostile educational or working environment. Relevant factors to be considered will include, but not be limited to, did the individual view the environment as hostile; was it reasonable to view the environment as hostile; the nature of the conduct; how often the conduct occurred and how long it continued; whether the alleged harasser was in a position of power over the student or staff member subjected to the harassment; number of individuals involved; where the harassment occurred; and other incidents of sexual harassment at the school involving the same or other students or staff.

Examples of sexual harassment may include, but not be limited to, physical touching or graffiti of a sexual nature; displaying or distributing sexually explicit drawings, pictures, or written materials; sexual gestures or obscene jokes; touching oneself sexually or talking about one's sexuality in front of others; and spreading rumors about or rating other students or others as to appearance, sexual activity, or performance.

3. **College:** College facilities, College premises and non-College property if the student or employee is at any College-sponsored, College-approved, or College-related activity or function.

Consensual Relationships

Sexual relationships between subordinates and supervisors and faculty and students are strongly discouraged by the College because of the liability that may result from such activities from both a personal and institutional perspective and the inappropriateness of such relationships.

Non-Retaliation Statement

The initiation of a complaint in good faith about behavior that may violate this policy shall not adversely affect the educational assignments or study environment of a student complainant or any terms or conditions of employment or work environment of a staff complainant. There shall be no retaliation by the College against any person who, in good faith, reports, files a complaint, or otherwise participates in an investigation or inquiry of discrimination or harassment.

Employees are expected to promptly report concerns about retaliation to the Director of Human Resources, the Vice President of Administrative Services (EEO/AAO), or the Vice President of Instruction. Students should promptly report concerns about retaliation to the Vice President of Instruction or the Vice President of Administrative Services (EEO/AAO). A complaint alleging retaliation by the President should be reported to the Director of Human Resources, who will then refer the complaint to the Board.

Complaint Procedure

Employees who feel that they are being harassed or discriminated against or who witness harassment or discrimination of another employee or student must immediately notify the Vice President of Administrative Services (EEO/AAO) or the Vice President of Instruction. A student who feels they are being harassed may report this conduct to the Vice President of Administrative Services (EEO/AAO) or the Vice President of Instruction. A complaint alleging harassment by the President should be reported to the Director of Human Resources, who will then refer the complaint to the Board.

Any individual may initiate a discrimination or harassment complaint by contacting the EEO/AAO. The allegations will be examined for application of this policy. If the allegations do not implicate discrimination or harassment, the College will notify the individual of any other applicable College policy or procedure for addressing the concerns. A record will be kept of the complaint or incident for the time period required by law.

If any of the College's representatives typically involved in processing a discrimination and harassment policy complaint are or become the subject of the complaint, the following guidelines will be followed:

1. If the President is the subject of allegations of harassment or discrimination, the complaint will go directly to the chair of the Board of Education.
2. If the EEO/AAO or any member of Human Resources is the subject of allegations of harassment or discrimination, the complaint will go directly to the President.
3. If the complaint is against the Board of Education, the complaint falls outside the scope of this document and should be filed with the State of Oregon Affirmative Action Director.

STEP I: INFORMAL COMPLAINT PROCEDURE

The informal procedure is voluntary and creates an avenue to attempt to resolve the complaint through personal and cooperative meetings with the involved parties. Complainants may skip the Informal Complaint Procedure and file a formal complaint which will be handled under the Formal Complaint Procedure. If informal means do not resolve the complaint, the complainant has the option of filing a formal complaint.

1. Complaints within the scope of the Discrimination and Harassment Policy must be addressed to the Vice President of Administrative Services (EEO/AAO) or Vice President of Instruction either in writing using the harassment/discrimination informal complaint report.
2. Complaints should be made as soon as possible and ideally within sixty (60) days of the incident. A complaint is most effectively handled if the College receives immediate notice of an incident.
3. After receiving an informal complaint, the Vice President of Administrative Services (EEO/AAO) or Vice President of Instruction or his or her designee will:
 - A. Meet with the complainant and determine the nature of the complaint.
 - B. Explain the informal complaint procedure and develop an action plan.
 - C. Attempt to resolve the complaint by meeting with the complainant, any individual accused of discrimination or harassment, College officials, and anyone else involved. These meetings will be informal.
4. Informal complaints will be conducted in a prompt and equitable manner in attempt to resolve complaints alleging action prohibited under this policy.

STEP II: FORMAL COMPLAINT PROCEDURE

1. If the complaint is not resolved informally or if it begins with the Formal Complaint Procedure, the complainant must prepare a written statement, using appropriate forms, describing the basis of the claim and a summary of the facts which are alleged to constitute discrimination or harassment.
2. The Vice President of Administrative Services (EEO/AAO) or Vice President of Instruction or designee will meet with the complainant to learn more about the complaint. The Vice President of Administrative Services (EEO/AAO) or Vice President of Instruction will determine whether the Discrimination and Harassment Policy is applicable.
3. If the complaint alleges behavior that is prohibited by the Discrimination and Harassment Policy, the Vice President of Administrative Services (EEO/AAO) or Vice President of Instruction, or designee shall notify the person against whom the complaint has been made. The Vice President of Administrative Services (EEO/AAO) or Vice President of Instruction, or designee, shall objectively investigate the allegations, interview witnesses, and review any supporting documentation.
4. Complainants, respondents and witnesses are expected to fully cooperate with any investigation. If the respondent or employees identified as witnesses refuse to cooperate, it will be considered a violation of College policy. Failure of an accused student to attend a scheduled conference, without good cause and prior notification or a verifiable emergency, will constitute a waiver of the student's right to participate and appeal further.
5. After completing the investigation, the Vice President of Administrative Services (EEO/AAO) or Vice President of Instruction, or designee shall prepare a report describing the complaint, the results of the investigation, and the suggested remedy, if any. The complainant will be notified in writing when the investigation is concluded.
6. The Vice President of Administrative Services (EEO/AAO) or Vice President of Instruction, or designee will strive to complete the investigation and the report within thirty (30) College business days of the receipt of

the complaint. If circumstances warrant an extension of the thirty (30) day deadline, the complainant and the respondent will be notified.

In cases where allegations are proved to be without foundation, no record of the allegations or the investigation would be included in the personnel or student file of the accused.

STEP III: APPEAL TO THE COLLEGE PRESIDENT

1. A complainant may appeal a decision that finds the complaint unsubstantiated to the President by providing a written letter of appeal within fifteen (15) calendar days of receipt of the letter from the Vice President of Administrative Services (EEO/AAO).
2. The President or designee will review the appeal and any information the President deems necessary to determine if the investigation was fair and impartial and whether the findings are supported by facts. Within fifteen (15) business days of receiving a written appeal, the President or designee will respond to the complainant and provide a copy to the Vice President of Administrative Services (EEO/AAO) or Vice President of Instruction, the respondent, and any other appropriate personnel.
3. The decision by the President is final, subject only to appeal pursuant to OAR 589-010-0100.

STEP IV: APPEAL

The complainant may appeal the College's decision by writing to the Department of Community Colleges and Workforce Development commissioner pursuant to the Oregon Department of Education Administrative Rule OAR 589-010-0100.

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