



**UMPQUA**  
Community College

## **BOARD POLICY**

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**TITLE: Prohibition of Discrimination, Harassment including Sexual Harassment and Sexual Assault, and Retaliation**

**BOARD POLICY # 3430**

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The College expects all community members to work and/or be educated in an environment where individual dignity is respected. All individuals covered by this policy shall accomplish their work or educational pursuits in an appropriate manner with concern for their coworkers, fellow students, and others with whom they come into contact in the College community.

### **A. DISCRIMINATION and HARASSMENT INCLUDING SEXUAL HARASSMENT/SEXUAL ASSAULT PROHIBITED**

The college prohibits unlawful discrimination based on race, ethnicity, color, religion, gender, pregnancy, sexual orientation, gender identity or expression, national origin, age, mental or physical disability, uniformed/military service or veteran's status, use of the worker's compensation system, expunged juvenile records, genetics, or any other protected status or activity in accordance with applicable law. Discrimination can be intentional or unintentional when conduct:

1. Excludes an individual from participation in any college program or activity for which they are otherwise eligible; or
2. Denies the individual the benefits of a college program or activity for which they are otherwise eligible; or
3. Otherwise adversely affects a term or condition of an individual's employment, education, or participation in a college program or activity.
4. The failure to provide reasonable accommodations required by law or college policy based on disability, pregnancy or religious practice may constitute discrimination.

Harassment is a form of discrimination and includes any conduct that is unwelcome and sufficiently severe or pervasive that unreasonably hinders or prevents a person from doing their job or receiving their education. Full definitions with examples defined in AP 3430.

## **B. RETALIATION PROHIBITED**

The College respects the rights of its employees, students, and other covered individuals to raise harassment and discrimination concerns and expects all members of the College community to cooperate in investigations of such concerns. The College does not permit employees, students or others in the College community to retaliate against individuals because they engaged in protected activity such as reporting harassment or discrimination, participating in investigations, testifying in official proceedings, or otherwise assisting in enforcement of our policies against discrimination and harassment. This type of retaliation is unlawful and will not be tolerated. "Retaliation" is broadly construed and may include on-duty or off-duty conduct.

## **C. APPLICATION**

1. The prohibitions and protections in this Policy apply to all campus community members ("covered individuals") in accordance with applicable laws, including state and federal equal employment laws. The policy also applies to discrimination, any types of harassment, and retaliation by a student toward a covered individual, or by a covered individual toward a student. However, different procedures apply under the Student Code of Conduct for complaints by a covered individual against a student, or a student against another student (See BP/AP 5500 series).
2. Complaints or concerns regarding sexual harassment under Title IX, including "quid pro quo" harassment, sexual assault, dating violence, domestic violence, and stalking, are governed by BP 3433 and the procedures in AP 3433 and AP 3434. Please also refer to the Title IX page on the College's website for additional information.
3. The College does not permit visitors, service providers, or others on College premises to engage in conduct that could reasonably be viewed as discrimination or any type of harassment of our campus community members.

## **D. REPORTING, INVESTIGATION, SANCTIONS**

1. All persons who believe they have been subjected to discrimination, any type of harassment, or retaliation by a covered individual are strongly encouraged to report as soon as possible so the College can take appropriate corrective and preventive actions. Supervisors and managers are mandated to report all concerns or complaints of any type of harassment or retaliation that come to their attention.
2. Complaints against students will follow investigation procedures outlined in AP 5520, Student Discipline. Complaints against all other covered community members will follow AP 3430 and within any applicable Collective Bargaining Agreement.

3. Sanctions will also follow the applicable Administrative Procedure and could include up to termination (employees) or expulsion (students).
4. External reporting options are also available and outlined in AP 5535 for students and AP 3430 for all other covered individuals.

#### **E. PREGNANCY AND DISABILITY ACCOMMODATION**

The College is also committed to complying fully with state and federal pregnancy and disability accommodation laws. Employees and interns with questions or needs regarding any accommodation should contact the Executive Director of Human Resources. Students with questions or needs regarding any accommodation should contact the Accessibility Services Coordinator.

#### **F. EDUCATION**

The College will undertake education and training to raise awareness regarding the prohibitions and protections under this policy and prevent incidents of discrimination, any type of harassment, or retaliation in the College community.

#### **REFERENCES:**

- Civil Rights Act of 1964, as amended
- Civil Rights Act of 1991;
- Pregnancy Discrimination Act of 1978
- Age Discrimination in Employment Act of 1967 (ADEA) as amended;
- Age Discrimination Act (1975)
- Americans with Disabilities Act of 1990 (ADA);
- ADA Amendments Act of 2008;
- Sections 503 and 504 of the Rehabilitation Act of 1973;
- Section 402 of the Vietnam Era Veterans Readjust Assistance Act (1974);
- Immigration Reform and Control Act of 1986;
- Genetic Information Nondiscrimination Act of 2008;
- 29 Code of Federal Regulations Part 1604.11 – Sexual Harassment Title IX of the
- Education Amendments of 1972 – 20 U.S. Code Sections 1681, et seq.; 34 Code of Federal Regulations Parts 106.1 et seq.;
- Equal Pay Act of 1963
- Oregon HB 3415
- ORS 659A
- ORS 243

**RESPONSIBILITY:**

The Executive Director of Human Resources is responsible for implementing and updating this policy. Specific guidance for policy implementation may be found in the associated Administrative Procedure(s).

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**NEXT REVIEW DATE: 2029-2030**

**DATE OF ADOPTION: 11/12/2020**

**DATE(S) OF REVISION: 3/10/2021; 6/14/2023**

**DATE(S) OF PRIOR REVIEW:**