



**UMPQUA**  
Community College

## **ADMINISTRATIVE PROCEDURE**

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

**ADMINISTRATIVE PROCEDURE # 3430** *(was 3432 AP)*

**RELATED TO POLICY # 3430 PROHIBITION OF DISCRIMINATION, HARASSMENT INCLUDING SEXUAL HARASSMENT AND SEXUAL ASSAULT, AND RETALIATION**

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- A. The College is committed to maintaining an academic and work environment that is free from discrimination, harassment including sexual harassment/sexual assault (“harassment”), and retaliation. Discrimination and harassment as defined in Administrative Procedure 3431 is strictly prohibited and will not be tolerated.
- B. For sexual harassment under Title IX, Complainants must proceed under BP 3433 Prohibition of Sexual Harassment under Title IX, AP 3433 Prohibition of Sexual Harassment under Title IX, and AP 3434 Responding to Harassment Based on Sex under Title IX.
- C. AP 3431 provides definitions (under Oregon laws including Chapter 659A and HB3415) of discrimination, harassment including sexual harassment/sexual assault, and retaliation. AP 3431 is not an exhaustive list of behaviors that may constitute a violation of BP 3430.
- D. Policy against Retaliation
1. The College respects the rights of its employees and other covered individuals to raise concerns of discrimination and harassment, and expects all members of the College community to cooperate fully with investigations. The College does not permit any member of the College community to unlawfully retaliate against a covered individual, which means taking adverse action because that person has reported harassment or discrimination, cooperated with an investigation, testified in official proceedings, or otherwise assisted in enforcement of UCC’s policies and procedures.
- E. Reporting Procedures
1. All campus community members should contact the Executive Director of Human Resources as soon as possible if they believe they have been subjected, or another individual has been subjected, to unwelcome conduct prohibited by BP 3430. The College believes that all covered individuals have an affirmative

obligation to promptly report violations of this policy and to cooperate with investigations so that the college can promptly investigate the concerns and take appropriate preventive and corrective action.

2. If the Executive Director of Human Resources is not available, or the complaint or concern involves the Executive Director, or the complainant is not comfortable reporting to the Executive Director for any reason, one of the following designated alternates can be contacted:
  - a. Vice President of Academic Services
  - b. Vice President for Student Services
  - c. Compliance Officer
3. The Executive Director of Human Resources, designated alternatives, supervisors and managers are “responsible employees”. All responsible employees will file a report when they have actual knowledge, or in the exercise of reasonable care should know, that any possible violation of this policy may have occurred so the College can conduct an initial inquiry.
4. When the Executive Director of Human Resources, designated alternate, supervisor or manager receives a report, they will document what is reported and provide the reporting party with a copy of this administrative procedure and Board Policy 3430.
5. Any covered individual who believes they have been subjected to or witnessed conduct in violation of this administrative procedure is also advised to document the incident(s).
6. Do not report the concern only to the person who has allegedly engaged in the conduct.
7. The College does not place any time limits on the ability to report concerns about workplace discrimination or harassment through the College’s internal complaint procedures, and covered individuals have a legal right to report workplace harassment for up to four (4) years from the date on which the alleged harassment occurred. However, covered individuals are expected to report these incidents at the earliest opportunity, in order to maximize the College’s ability to conduct a thorough investigation and prevent further occurrences of prohibited conduct.

#### F. Investigation and Enforcement by the College

1. Reports of alleged discrimination, harassment, or retaliation subject to this administrative procedure will be promptly and fairly investigated and within the provisions of any applicable Collective Bargaining Agreement.

2. The Executive Director of Human Resources or designated alternate will coordinate the investigation. Investigation of complaints may be assigned to other College staff or to outside persons or organizations.
3. In cases of sexual harassment/sexual assault, any persons involved in case adjudication, including outside persons or organizations, will have participated in annual training, or comparable training.
  - a. Interim/supportive measures may be assigned for any complainant/respondent while the case is adjudicated.
4. Investigator/s will meet with the complainant, the accused, any witnesses or other persons as necessary and appropriate. At the conclusion, a written report of the will be sent to the Executive Director of Human Resources or Designee for a determination.
5. If the College determines that an employee has engaged in prohibited conduct, appropriate disciplinary action will be taken, up to and including termination of employment. In addition to disciplinary action, other corrective action such as individualized training may be required as the College determines appropriate.
6. Appropriate action will also be taken to address violations by volunteers and interns, which may include ending the volunteer or internship position.

#### G. Follow-up with Covered Individuals

1. Follow up with all covered individuals who have reported, been subjected to, witnessed, or perpetrated workplace discrimination or harassment will be determined by the Executive Director of Human Resources or designee and the affected covered individuals. The purpose of the follow-up is to ensure that any harassment or other policy violations have stopped, and that all covered individuals involved have not been subjected to retaliation.

#### H. Other Available Complaint Processes

1. All employees and other individuals covered by these policies should be aware that they have the right to make complaints and seek remedies through the complaint resolution process of the Oregon Bureau of Labor and Industries (BOLI), or by filing claims in court. Remedies may be available such as back pay, counseling, reimbursement of medical costs, attorney fees, pain and suffering damages, or punitive damages. Victims may also pursue their rights under other available laws, including criminal prosecution through law enforcement officials.
2. The College does not provide any employee or other covered individual with legal advice. However, all covered individuals should be aware that time limits apply to the ability to pursue civil and criminal complaints. For example, claims made with BOLI for alleging workplace discrimination or harassment under Oregon law must

generally be filed within five (5) years from the date of the alleged unlawful practice if the conduct occurred on or after October 1, 2019. Conduct that occurred prior to that date is generally subject to a shorter (i.e. 1-year) statute of limitations. The same time limitations apply to complaints filed in court without first going through BOLI.

3. Please also be aware that Oregon law requires that individuals bringing claims against a public officer, employee or agent of a public body or a public body (e.g. the College) must first provide a notice of claims that is often referred to as a Tort Claims Notice. The notice must generally be provided within 180 days of the alleged loss or injury, unless a limited exception applies under ORS 30.275.
4. Different time limitations apply under federal law for filing complaints in court. Generally, these claims must be filed within 300 days with the federal Equal
5. Employment Opportunity Commission for employees working in Oregon. The statute of limitations for criminal complaints varies, depending on the nature and degree of the conduct. Covered individuals who want more information may contact BOLI at <https://www.oregon.gov/boli>, local law enforcement, or contact an attorney of their choosing. The Oregon State Bar provides a referral service through which employees may be connected with attorneys. Information regarding this service can be found at: <https://www.osbar.org/public/ris/>.

#### I. Records Retention

Notices of leave pending investigation, notice of interviews, due process notices and disciplinary notices are generally maintained in personnel files. Other documents related to complaints and investigations are maintained in confidential files for a minimum period of the 5-year statute of limitations or the minimum retention period required under Oregon law, whichever is longer. Such records are generally released only as the College determines appropriate to defend against legal claims, to establish consistency and lack of discrimination, to establish that an employee or covered individual received notice of standards of conduct required under this policy, and when otherwise required by applicable law.

#### REFERENCES:

- ORS 659A;
- ORS 243;
- Oregon Workplace Fairness Act as amended;
- HB 3415

#### RESPONSIBILITY:

The Executive Director of Human Resources is responsible for implementing and updating this procedure.