



BOARD POLICY

TITLE: PROHIBITION AGAINST DISCRIMINATION, HARASSMENT AND RETALIATION

BOARD POLICY # 3430

The College desires to build a community of equitable opportunity, to foster a climate of acceptance, and to be inclusive of individuals from a wide variety of backgrounds. Diversity in the academic environment fosters cultural awareness, mutual understanding, respect, and suitable role models for all students. The College is committed to promoting the total realization of equal employment and educational opportunities.

In order to facilitate and ensure compliance with this policy:

- The College will undertake education and training to raise awareness regarding the prohibitions and protections under this policy and prevent incidents of discrimination, harassment or retaliation in the College community.
- This policy and the related procedures shall be publicized and made available to all students, employees and other covered individuals, including at the time of hiring new employees, and at the time any covered individual makes a complaint or expresses concerns about a violation of these policies.

A. APPLICATION

1. The prohibitions and protections in this Policy apply to all employees, volunteers, interns and elected officials of the College (“covered individuals”) in accordance with applicable laws, including state and federal equal employment laws. The policy also applies to discrimination, 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 to complaints by a student against another student.
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.

B. DISCRIMINATION PROHIBITED

1. It is the College's policy to provide equal employment opportunities and equal educational opportunities to all qualified persons without regard to race, color, religion, gender, pregnancy, sexual orientation, gender identity, national origin, age, mental or physical disability, uniformed/military service or veteran's status, use of the worker's compensation system, expunged juvenile records, or any other protected status or activity in accordance with applicable law. The College will make decisions regarding employment, internships, and volunteer selection, as well as student admissions and academic opportunities, based on its evaluation of an individual's qualifications and other lawful and appropriate considerations.

C. HARASSMENT PROHIBITED

1. It is also the College's policy that its employees, students, volunteers, interns and elected officials should work and/or be educated in an environment where individual dignity is respected. For that reason, we expect all individuals covered by this policy to 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.
2. Additionally, any conduct that could reasonably be viewed as harassment by or toward employees, students, volunteers, interns, or elected officials is prohibited and will not be tolerated. The College also does not permit visitors or others on College premises to engage in conduct that could reasonably be viewed as harassment of our employees, students, volunteers, interns or elected officials.
3. Specifically forbidden is conduct related to an individual's race, color, national origin, ancestry or ethnic background, religion, sex, sexual orientation, gender identity, mental or physical disability, age, veteran status, marital status, or other legally protected status or activity. For specific examples of the kinds of conduct prohibited by this policy, see AP 3432.

D. RETALIATION PROHIBITED

1. 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. For specific examples of the kinds of conduct that may constitute prohibited retaliation, see AP 3432.

E. REPORTING DISCRIMINATION, HARASSMENT OR RETALIATION

1. Covered individuals (employee, volunteer, intern or elected official of the College) who believe that they have been subjected to discrimination, harassment or retaliation in violation of this policy, or that another individual in the College community has been subjected to this conduct, is expected to immediately report such incidents to the Human Resources Director or alternate person as specified under the procedures in AP 3432. The College is only able to take appropriate corrective and preventive action if concerns regarding these actions are brought to our attention. Supervisors and managers are mandated to report all concerns or complaints of harassment or retaliation that come to their attention.
2. Students who believe they have been subjected to discrimination, harassment or retaliation by a covered individual are also strongly encouraged to report the conduct by contacting the Compliance Officer. If the Compliance Officer is not available, the report should be made to the Director of Human Resources.
3. NOTE: As stated above, complaints and concerns regarding sexual harassment under Title IX, including quid pro quo harassment, sexual assault, dating violence, domestic violence, or stalking are governed by BP 3433, AP 3433, and AP 3434.

F. INVESTIGATION OF COMPLAINTS AND CONCERNS REGARDING PROHIBITED CONDUCT

1. Complaints or concerns regarding conduct prohibited by this policy will be promptly investigated. For additional information regarding investigation of complaints against employees, volunteers, interns or elected officials, you should refer to AP 3432. That administrative procedure also provides information regarding additional complaint processing options and remedies available to employees, volunteers, interns and elected officials through outside administrative agencies, or civil or criminal court proceedings.
2. Procedures applicable to complaints of prohibited conduct by a student against another student are addressed in the Student Code of Conduct. See BP 5500 and the related administrative procedures.

G. SANCTIONS FOR VIOLATIONS OF THIS POLICY

1. When a violation of this policy has occurred, the College will take whatever corrective action it deems appropriate to ensure that there is no recurrence of the conduct, which may include the following:
 - a. Employees who are found to have violated this policy, or Administrative Procedure 3432, will be subject to disciplinary action up to and including termination of employment.
 - b. Volunteers and interns who are found to be in violation will be subject to termination of their volunteer status or internship
 - c. Students who are found to be in violation will be subject to disciplinary measures up to and including expulsion.

H. PREGNANCY AND DISABILITY ACCOMMODATION

1. 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 accommodations should contact the Director of Human Resources. Students with questions or needs regarding accommodations should contact the Director of Disability Services.

I. POSTING OF POLICY AND PROCEDURES

1. This policy and the applicable administrative procedures shall be posted on the Human Resources section of the College's website.

REFERENCES:

- Title VII of the Civil Rights Act of 1964, 42 U.S. Code Section 2000e-2
- Age Discrimination in Employment Act of 1967 (ADEA);
- Americans with Disabilities Act of 1990 (ADA);
- 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.;
- ORS 659A
- ORS 243

RESPONSIBILITY:

The 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).

NEXT REVIEW DATE:

DATE OF ADOPTION: 11/12/2020

DATE(S) OF REVISION:

DATE(S) OF PRIOR REVIEW: