

Sexual Harassment

The College is committed to the elimination of sexual harassment in its programs, services and intercollegiate activities. Sexual harassment is strictly prohibited and shall not be tolerated. This includes sexual harassment of students or staff by other students, staff, Board members or third parties. "Third parties" include, but are not limited to, volunteers, parents, visitors, service contractors or others engaged in College business, such as employees of businesses or organizations participating in cooperative programs with the College and others not directly subject to College control at athletic competitions or other events. "College" includes 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 where students are under the control of the College or where the employee is engaged in College business.

Sexual harassment of students and staff shall include, but is not limited to, unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal or physical conduct of a sexual nature when:

1. The conduct or communication has the purpose or effect of demanding sexual favors in exchange for benefits;
2. 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;
3. 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; age and sex of the complainant; whether the alleged harasser was in a position of power over the student or staff member subjected to the harassment; number of individuals involved; age of the alleged harasser; where the harassment occurred; and other incidents of sexual harassment at the College involving the same or other students or staff.

Examples of sexual harassment may include, but not be limited to, physical touching; graffiti of a sexual nature; display or distribution of sexually explicit drawings, pictures and written materials; sexual gestures or obscene jokes; touching oneself sexually; making inappropriate sexual comments; talking or spreading rumors about or rating other students or others as to appearance, sexual orientation, sexual activity, or sexual performance.

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 they are a victim of sexual harassment must immediately report their concerns to the compliance officer or department supervisor who

has overall responsibility for all investigations or any College administrator. A student may also report concerns to an instructor or counselor who will promptly notify the appropriate College official. The student or staff member who initiated the complaint shall be notified of the findings of the investigation and, if appropriate, that remedial action has been taken.

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 the 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 sexual harassment.

It is the intent of the Board that appropriate corrective action will be taken by the College to stop the sexual harassment, prevent its recurrence and address negative consequences. Students in violation of this policy shall be subject to discipline including counseling or sexual harassment awareness training, up to expulsion, as appropriate. Employees in violation of this policy shall be subject to discipline including dismissal and/or additional sexual harassment awareness training, up to dismissal, as appropriate. Other individuals whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the President or designee.

Additionally, the College may report individuals in violation of this policy to law enforcement officials.

The President or designee shall ensure appropriate periodic sexual harassment awareness training or information is provided to all supervisors, staff and students and that annually, the name and position of College officials responsible for accepting and managing sexual harassment complaints, business phone numbers, addresses or other necessary contact information is readily available. This policy as well as the complaint procedure will be made available to all students and staff in student and staff handbooks.

The President will establish a process of reporting incidents of sexual harassment.

END OF POLICY

Legal Reference(s):

[ORS 341.290\(2\)](#)
[ORS 659.850](#)
[ORS 659A.006](#)

[ORS 659A.029](#)
[ORS 659A.030](#)

[OAR 589-010-0100](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2012).
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2012).
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2012).
Bartsch v. Elkton School District, FDA-13-011 (March 27, 2014).

Cross Reference(s):

JBA/GBN - Sexual Harassment