



Approval Date: 02/08/05

Effective Date: 02/08/05

Last Revised: 05/10/18

ADMINISTRATIVE RULE

Rule Number/Name:	070.009.000 – Harassment
Responsible Department:	Human Resources
Authority:	Director of Human Resources

Overview

This administrative rule outlines the College policy regarding Harassment.

Applicability

CGCC staff, faculty and students.

Administrative Rule Statement

Columbia Gorge Community College's goal is to provide an atmosphere that encourages individuals to realize their potential. Therefore, it is against the college's policy for any manager, supervisor, faculty, staff, or student to engage in harassment or discrimination of any member of the college community.

Columbia Gorge Community College does not tolerate unlawful discrimination based on race, color, religion, ethnicity, use of native language, national origin, sex, marital status, height/weight ratio, disability, veteran status, age, sexual orientation, or gender identity in any area, activity or operation of the College. In addition, the college complies with the Civil Rights Act of 1964 (as amended), related Executive Orders 11246 and 11375, Title IX of the Education Amendments Act of 1972, Sections 503 and 504 of the Rehabilitation Act of 1973, USERRA – Uniformed Services Employment and Reemployment Rights Act, and all civil rights laws of the State of Oregon. Accordingly, equal opportunity for employment, admission, and participation in the college's benefit and services shall be extended to all persons, and the college shall promote equal opportunity and treatment.

Therefore, it is the responsibility of every member of the college community to strictly comply with the policy. This includes notifying each employee/student of his or her rights and responsibilities under CGCC's Non-Harassment Policy. Management staff will be held accountable for taking reasonable action to maintain work sections and educational environments free of conduct that causes, or reasonably could be considered to cause, harassment or discrimination. Definitions of harassment and discrimination as covered under this policy are provided below.



Discrimination

Discrimination is conduct that is based upon an individual's race, color, religion, sex, national origin, age, sexual orientation, gender identity, disability status, protected veteran status, or any other characteristic protected by federal, state, or local law that excludes an individual from participation in, denies the individual the benefits of, treats the individual differently regarding, or otherwise adversely affects a term or condition of an individual's employment, education, or participation in a CGCC program or activity. This includes failing to provide reasonable accommodation, consistent with state and federal law, to persons with disabilities.

Harassment

Harassment is defined as any actions, threats, gestures, and/or words – whether physical, verbal or electronic, written or video – directed toward another person, which tend to incite a breach of the peace, create a hostile environment, or cause emotional distress to that person because of the humiliating, degrading, intimidating, insulting, coercive, ridiculing, and/or alarming nature of the conduct. It frequently, but not always, involves a pattern of behavior. Harassment is also covered under this policy if it is based upon an individual's race, color, religion, sex, national origin, age, sexual orientation, gender identity, disability status, protected veteran status, or any other characteristic protected by federal, state, or local law. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Sex-based harassment includes sexual harassment, which is further defined below, and non-sexual harassment based on stereotypical notions of what is female/feminine v. male/masculine or a failure to conform to those gender stereotypes.

Sexual Harassment

Sexual harassment can include unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, including sexual assault. Sexual harassment, including sexual assault, can involve persons of the same or opposite sex. Consistent with the law, this policy specifically prohibits two types of sexual harassment:

1. **Tangible Employment or Educational Action** – This type of sexual harassment occurs when the terms or conditions of employment, educational benefits, academic grades or opportunities, or participation in a College activity is conditioned upon, either explicitly or implicitly, submission to or rejection of unwelcome sexual advances or requests for sexual favors, or such submission or rejection is a factor in decisions affecting that individual's employment, education, living environment, or participation in a CGCC program or activity. Generally, perpetrators will be agents or employees with some authority from the College.
2. **Hostile Environment Harassment** – This variety of harassment occurs when a hostile environment is created based on race, color, religion, sex, national origin, age sexual orientation, gender identity, disability status, protected veteran status, or any other



ADMINISTRATIVE RULE

characteristic protected by federal, state, or local law exists and both is sufficiently serious (i.e., severe, pervasive, or persistent) and objectively offensive so as to deny or limit a person's ability to participate in or benefit from the College's programs, services, opportunities, or activities; or when such conduct has the purpose or effect of unreasonably interfering with an individual's employment. Any harassment that creates a hostile environment violates this policy.

A hostile environment can be created by anyone involved in a CGCC program or activity (e.g., administrators, faculty members, students, and even campus guests). Mere offensiveness is not enough to create a hostile environment. Although repeated incidents increase the likelihood that harassment has created a hostile environment, a serious incident, such as a sexual assault, even if isolated, can be sufficient. This type of sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that have the purpose or effect of interfering with an individual's work performance or participation in a CGCC program or activity, or creates an intimidating, hostile, or offensive environment.

In determining whether harassment has created a hostile environment, consideration will be made not only as to whether the conduct was unwelcome to the person who feels harassed, but also whether a reasonable person in a similar situation would have perceived the conduct as objectively offensive. Also, the following factors will be considered:

- i. The degree to which the conduct affected one or more students' education or individual's employment
- ii. The nature, scope, frequency, duration, and location of incident or incidents
- iii. The identity, number, and relationships of persons involved
- iv. The nature of higher education
- v. The severity, pervasiveness, and persistence of the conduct

Conduct that occurs off campus may be subject to this policy, e.g. if off-campus harassment has continuing effects that create a hostile environment on campus. Allegations of off-campus sexual misconduct are of particular concern and should be brought to CGCC's attention.

This policy shall not be construed to impair any constitutionally protected activity, including speech, protest, or assembly. Further, this policy shall not be construed or applied to restrict academic freedom at CGCC, nor shall it be construed to restrict constitutionally-protected freedom of expression.

Any person who believes he or she has been discriminated against or harassed by a College employee, representative or student is encouraged to file a complaint through the Harassment or Discrimination Grievances. If the grievance involves harassment or discrimination by a college staff member, the student should be directed to the CGCC Human Resources Office. If the grievance involves harassment or discrimination by a student, the student should be directed to the Chief



ADMINISTRATIVE RULE

Student Services Officer. If the grievance involves sexual harassment individuals should be directed to the Title IX Coordinator. Non-affirmative action complaints are to be filed in accordance with the Student Grievance Procedure or Complaint Form.

Sexual Harassment can include, but is not limited to:

- Conversations with unwelcome sexual innuendo such as sexually suggestive comments or jokes, or comments of a sexual nature, or derogatory comments about gender;
- Improper questions about an employee's private life; requests for sexual favors; or graphic, degrading or condescending comments of a sexual nature about an employee's appearance, dress or anatomy;
- Repeated social invitations when the invitee has previously indicated that he or she is not interested in accepting such invitations;
- Circulating material (by any method, electronically or otherwise) which ridicules a gender or which is sexually suggestive, or other forms of discriminatory ridicule or insults, regardless of whether the ridicule is directed at specific individuals;
- Undesired, intentional physical contact (e.g., embracing, touching, pinching), or any threats or suggestions of such contact;
- Display of sexually suggestive calendars, objects, images, cartoons, computer applications or similar displays;• Abuse of familiarities or inappropriate behavior such as whistling or catcalls, offensive gestures or leering;
- The awarding of performance evaluations, promotions or salary considerations based on sexual favors or acceptance of social invitations, regardless of whether the employee welcomes the invitations.

In the Context of Academic Freedom

Evaluation of perceptions of behavior as sexually harassing assumes special importance in the context of carrying out responsibilities in the classroom, labs or library and other similar contexts in fulfilling our educational objectives as related to teaching and learning. Speech or expression of a sexual nature which is professional and appropriate to a lesson or teaching strategy may be disturbing without also being harassing. Such speech or expression may, however, depart so far from professional or appropriate behavior that it is



ADMINISTRATIVE RULE

not protected by academic freedom. The professional teaching of controversial issues shall not be construed as constituting such a departure. However, speech or expression that is determined to be too far from professional, or that is, upon investigation, determined to be inappropriate behavior is unacceptable, and is not protected by academic freedom.

Definitions

None

Interpretation of Administrative Rule

Human Resources

Cross Reference to Related Administrative Rules

Board Policy 3430 – Prohibition of Harassment
OP 070.009.001 – Harassment

Further Information

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Strategic Direction

KFA 3: Faculty and Staff

Appendix

None