



Rogue Community College (RCC or the College) values and respects the rights and dignity of all individuals. All members of RCC must take reasonable action to maintain a learning and working community free from conduct that causes or reasonably could be considered to cause intimidation or hostility.

The College community includes RCC employees, students, Board members, or third parties. Third parties include, but are not limited to, volunteers, visitors, service contractors, or others engaged in College business such as employees of businesses or organizations participating in a cooperative program with RCC and others not directly subject to College control at College events. RCC includes all facilities, premises and non-college property if the student, employee or third party is at College-sponsored, College-approved, or College-related activities or functions where students are under the control of RCC or where the employees or third parties are engaged in College business, events, or activities.

POLICY

All students and employees will be able to learn and work in an environment free of discrimination and harassment, including sexual harassment. All complaints about behavior that may violate this Human Rights Policy will be promptly investigated.

Purpose: RCC's Human Rights Policy and procedures were established to affirm the College's expectation and commitment to maintain a safe learning and working environment free of discrimination and sexual harassment. This Policy further identifies a complaint and resolution process designed to establish and maintain a productive learning and working experience for the College community.

This Policy applies to employment, educational programs, and provision of benefits and services to all College beneficiaries and constituents. Also see Board Policy V.D.070-*Non-Discrimination* and II.B.010-*Harassment*, V.A.010 (*Equal Employment Opportunity*) and V.A.020 (*Affirmative Action*) at www.roguecc.edu/BoardPolicies and *Student Rights, Freedoms, and Responsibilities Statement (Student Rights Statement)* (www.roguecc.edu/StudentRights). In addition, the College's Administrative Procedure AP-037, *Information Technology-Acceptable Use* (www.roguecc.edu/GIAP, *IT/Acceptable Use*.) provides guidance on the College's expectations and requirements regarding respect for the rights of others to be free from harassment, discrimination, or intimidation.

Disciplinary Action: Violations of this Human Rights Policy will not be tolerated. Individuals who are determined to be in violation of this policy shall be subject to disciplinary action which may include, but is not limited to written warning, demotion, transfer, suspension, sanctions, expulsion, dismissal, termination or suspension consistent with Board Policy, collective bargaining agreements and the *Students Rights Statement*.

DEFINITIONS

For the purpose of this Policy, harassment and discrimination are defined as follows:

Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, and other unwelcome verbal or physical conduct of a sexual nature. Behaviors may constitute sexual harassment in one or more of the following circumstances:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic success.
- (2) Submission to or rejection of such conduct by an individual is used as a basis for employment or academic decisions.
- (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 and working environment.

Exclusionary Forms of Conduct: Any differential treatment of, or adverse impact on, an individual(s) by a person(s) or a structure(s) that excludes or denies access to participation in RCC services, programs, or activities. Some types of differential treatment, including, but not limited to separate toilets and locker room facilities for men and women, designated non-smoking areas, personnel meetings, or removal for violation of College policies and procedures would not be construed as exclusionary.

Creation of an Intolerant Environment: Results from intentional conduct of an individual or group of individuals who engage in threats, physical abuse or harassment that threatens or endangers the health, safety, or welfare of a member of the College Community or which interferes with the ability to effectively pursue a career or an education or participate fully in RCC programs and activities.

Malicious Harassment: Behavior that is maliciously and intentionally committed because of an individual's race, religion, national origin, age, sex, veteran status, marital status, sexual orientation, genetic information, disability or any other characteristic that is protected by state or federal law. This behavior may include injury to the individual or another person, damage or destruction of the property of the individual or another person, or threats to an individual or group.

Non-Discrimination: RCC does not discriminate on the basis of race, religion, color, national origin, age, sex, veteran status, marital status, sexual orientation, genetic information, disability, or any other characteristic protected by federal, state or local laws in employment or in any of its educational programs or services.

Americans with Disabilities Act (ADA): RCC does not discriminate on the basis of disability in admission to, access to, or operation of its instruction, programs, services or activities or in its hiring and employment practices. The college provides reasonable accommodation to facilitate the participation of individuals with legally protected disabilities.

ADA Complaints: ADA complaints may be filed with the College’s ADA Compliance Officer (the Vice-President of Students Services), the Equal Employment Commission (EEOC) or the Oregon Bureau of Labor and Industry (BOLI) within one year of last incident.

Complainant: A person who is subjected to alleged harassment, including sexual harassment.

Respondent: A person whose alleged conduct is the subject of a complaint of harassment, including sexual harassment.

CONSENSUAL RELATIONS

RCC prohibits consensual sexual relationships between supervisors and supervisees. RCC also strongly discourages consensual sexual relationships between faculty and students. The respect and trust accorded to a faculty, staff or manager by a student or supervisor, as well as the unequal power exercised in giving praise or blame, grades, evaluations and recommendations may be construed as a source of harassment or coercion in what was originally a consensual relationship. Even if one party does not intend sexual harassment toward another, his or her behavior may be perceived as sexual harassment; and, any reports of such behavior will be promptly investigated, including possible disciplinary measures.

ACADEMIC FREEDOM

Pursuant to Board Policy VI.A.010 – Academic Freedom, RCC’s Human Rights Policy does not prohibit instructors from discussing relevant sexual content in certain subjects, when applicable, but should be careful not to introduce into instruction, controversial matter which has no relation to the educational purpose of the course.

HUMAN RIGHTS NETWORK (HRN)

RCC has identified a number of individual employees who have received training in information gathering and counseling in relation to this Policy. These individuals are listed under Human Rights Representatives at www.roguecc.edu/HumanRights or through the HRN liaison in the President’s Office, through Human Resources or the College Counseling departments.

HRN representatives are trained as neutral parties in discrimination and harassment complaints. Their objective is to listen and achieve resolution through communication. HRN representatives are not qualified to provide legal opinion or advice. Complaints are treated immediately, respectfully, and confidentially within limits outlined by the Office of Civil Rights.

Confidentiality and Limits on Confidentiality: Under those guidelines issued by the Office of Civil Rights, once an employee of the college is informed about an incident of sexual harassment, the college must take appropriate action to investigate and, if substantiated, remedy any harassment that has occurred. Complaints are only divulged on a “need-to-know” basis.

If the Complainant requests confidentiality or requests the college not to take any action, the scope of the college’s response may be affected. The College must take reasonable steps to investigate allegations of sexual harassment consistent with the request for confidentiality as

long as this does not prevent the College from acting accordingly to prevent further occurrences. Therefore, the College must evaluate a request for confidentiality in the context of its responsibility to provide a safe environment for employees, students and third parties to learn and work. In that analysis, consideration will be made about the seriousness of the alleged harassment, whether there have been other verified reports of harassment against the Respondent and the rights of the Respondent to receive information about the allegations.

Steps 1 and 2 must be completed before proceeding to Step 3. It is intended that complaints be resolved at any point in the process when the parties involved can agree on resolution. Established filing procedures will be followed at each step. The completion of this procedure to achieve a final decision is designed to take no more than sixty (60) working days.

Step 1 – Direct Resolution: Mediation and support is available and Complainant should contact an HRN representative for direct resolution. The HRN representatives will complete a Human Rights Network - Incident Report Form documenting the complaint. Alternative solutions for resolution will be explored including, but not limited to, talking to the alleged source of the complaint and sexual harassment prevention training. If resolution cannot be reached at this step, the Complainant may move to Step 2 by filing a *Formal Complaint* for resolution through an HRN representative at www.roguecc.edu/HumanRights. Otherwise, the HRN representatives will make a note of action(s) taken and follow-up to confirm resolution.

Step 2 – Formal Resolution: A completed *Formal Complaint* form should be submitted to the Human Rights Network Liaison for review with the College President. Within five (5) working days of receiving the *Formal Complaint*, the College President will appoint an investigating committee and make an initial response to the Complainant indicating next steps and timelines for resolution.

Note: Affirmative Action complaints will be investigated by the Affirmative Action Officer (AAO), who is responsible for investigating violations of this policy and developing a recommended course of action. At RCC, the AAO is the Vice-President of Student Services.

Employees: When Respondent is an employee, Human Resources will maintain a copy of (1) the *Formal Complaint*, (2) the investigating committee's written report (*Notice of Findings and Recommendations*) and (3) the President's and/or Board's letter to Complainant and Respondent. Any RCC employee who is the subject of an investigation that may result in disciplinary action and/or termination is entitled to representation and should refer to collective bargaining agreements.

Students: When Respondent is a student, the Dean of Student Services will maintain a copy of the aforementioned documents outlined for employees (above). Any RCC student who is the subject of an investigation related to Article 9 of the *Student Rights, Freedoms, and Responsibilities Statement (Student Rights Statement)* (www.roguecc.edu/StudentRights) that may result in disciplinary action by the Dean of Student Services is entitled to a support person. Support may come from counseling or student government, if needed. If sanctions are to be levied against the student Respondent, the Dean will act to communicate and complete these sanctions pursuant to the guidelines set forth in the *Student Rights Statement*.

Third Parties: When Respondent is a third party, the President's Office will maintain a copy of the aforementioned documents outlined for employees (above).

Investigation Committee: The investigating committee will include a minimum of four (4) individuals -- the HRN Liaison and an additional representative from the HRN, the AAO or a Human Resources representative, the associated vice-president, dean, or supervisor (for employee Respondent) or Dean of Student Services (for student Respondent). The committee will have ten (10) working days to contact the parties involved and to carry out an investigation of the incident and provide a written report of *the Findings and Recommendations* to the College President for review and action.

Findings and Recommendations: The President will have five (5) working days from receipt of the report to provide Complainant and Respondent with a letter regarding the investigating committee's written *Findings and Recommendations* report.

If resolution is not reached at Step 2, Complainant has five (5) working days to submit a written request to the President to move to Step 3. The written request must include an explanation of why the Complaint remains unresolved and a proposal to remedy the Complaint.

Step 3 - Appeal to the College President: Upon receipt of written notice to appeal, the President has ten (10) working days to meet with the Complainant and his/her advocate (if Complainant so chooses) to seek resolution. The President will provide a final written decision and recommendation to the Complainant within five (5) working days from the date of the meeting.

If resolution is not reached at Step 3, Complainant has five (5) working days from receipt of the final written findings from the President to indicate a written request to move to Step 4. The written request must include an explanation of why the Complaint remains unresolved and a proposal to remedy the Complaint.

Step 4 - Appeal to the College Board of Education: The written request and accompanying explanation and proposed remedy will be discussed at the next regularly scheduled meeting of the Board of Education. The Board chair will provide a final written decision and recommendation to the Complainant within five (5) working days from the date of the meeting. If resolution is not reached at this step, the Complainant has five (5) working days from receipt of the final findings of the Board to indicate, in writing to the Board, the request to move to Step 5. The written request must include an explanation of why the Complaint remains unsolved and a proposal to remedy the Complaint.

Step 5 - Appeal to the Commissioner of the Oregon Department of Community Colleges and Workforce Development (CCWD): If after sixty (60) working days, no final decision has been made by the College President or Board of Education, the Complainant may make a written appeal to the Commissioner of the Oregon CCWD in Salem, Oregon. The written appeal will be reviewed according to OAR 589-010-0100 (11). The Complainant will provide a copy of the CCWD appeal to the College President.

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