

College Board of Education Series—1000

## HARASSMENT/DISCRIMINATION

Chemeketa Community College is committed to maintaining a workplace in which everyone can achieve their full potential without being impeded by unlawful discrimination or harassment. The intent of this policy is to impress upon everyone at every level the seriousness of this commitment and strongly encourage everyone to report any conduct that they perceive to be discriminatory or harassing in nature.<sup>1</sup>

Harassment or discrimination is prohibited when it is based on any of the following protected classes:

- Race<sup>2</sup>
- Color<sup>2</sup>
- Ethnic origin<sup>12</sup>
- National origin<sup>12</sup>
- Religion<sup>2</sup>
- Age<sup>4</sup>
- Disability<sup>3</sup>
- Sex (see Sexual Harassment, Discrimination and Misconduct Policy #1751)<sup>2, 6, and 13</sup>
- Sexual orientation (see Sexual Harassment, Discrimination and Misconduct Policy #1751)<sup>11 and 13</sup>
- Gender identity/expression (see Sexual Harassment, Discrimination and Misconduct Policy #1751)<sup>11 and 13</sup>
- Family relationships<sup>9</sup>
- Marital status<sup>11</sup>
- Pregnancy and related conditions<sup>7</sup>
- Citizenship status<sup>5</sup>
- Protected Veterans status<sup>8</sup>
- Tobacco usage during non-working hours<sup>10</sup>
- Genetic information<sup>14</sup>
- Victim of domestic violence<sup>15</sup>
- Whistle blower<sup>16</sup>

Any conduct relating to these protected classes is prohibited when

1. Submission to such conduct is made, either implicitly or explicitly, a term or condition of employment or academic performance; or

<sup>1</sup> See also Policies 1751, 1752, and 1753

<sup>2</sup> The Civil Rights Act of 1964—Title VII and ORS 659A.006

<sup>3</sup> The Rehabilitation Act of 1973, Americans with Disabilities Act of 1990, Americans with Disabilities Act Amendment of 2008 and ORS 659A.112

<sup>4</sup> Age Discrimination in Employment Act of 1967, Older Workers Benefit Act of 1990 and ORS 659A.030

<sup>5</sup> Immigration Reform and Control Act of 1986

<sup>6</sup> Equal Pay Act of 1963 and ORS 659A.029

<sup>7</sup> Pregnancy Discrimination Act of 1978 and ORS 659A.029

<sup>8</sup> The Veterans Reemployment Act of 1974, the Uniform Service Employment and Reemployment Rights Act of 1994

<sup>9</sup> The Civil Rights Act of 1964 §1981, 1983 and ORS 659A.309

<sup>10</sup> ORS 659A.315

<sup>11</sup> ORS 659A.006

<sup>12</sup> The Civil Rights Act of 1964 §1981, 1983

<sup>13</sup> Title IX of the Education amendment of 1972

<sup>14</sup> ORS 659A/Genetic Information Non-Discrimination Act 2008 (GINA) § 202.

<sup>15</sup> ORS 659A.270

<sup>16</sup> ORS 659A.199

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### **HARASSMENT/DISCRIMINATION** (continued)

2. Submission to or rejection of such conduct by an individual is used as a basis for employment or academic performance; or
3. Such conduct is severe or pervasive and has the purpose or effect of the following:
  - Unreasonably interfering with any individual's work or academic performance; or
  - Creating an intimidating, hostile, or offensive work or academic environment.

#### **Basis for Determination**

Chemeketa will make the determination of harassment/discrimination based the preponderance of the evidence standard, the totality of the situation, and from the reasonableness of the complainant's (or the person making the complaint) perspective.

#### **Examples**

Conduct that could be a violation of this policy includes, but is not limited to

##### Verbal Actions

- Jokes that stereotype a protected class
- Teasing that stereotypes a protected class
- Comments that stereotype a protected class
- Hostile comments about a protected class
- Name-calling or nicknames

##### Physical Actions

- Displaying or distributing offensive pictures
- Physical violence or hostility based on a protected class
- Gesturing based on a protected class
- Encroaching on a person's physical space
- Repeated unwelcome social invitations, phone calls, texting, social media contact, email, or notes

#### **Applicability**

This policy applies to all college employees and students, anyone serving in a supervisory capacity on behalf of the college, and vendors and members of the general public.

#### **Sanctions**

Any employee engaging in behavior prohibited by this policy is subject to discipline, up to and including termination, subject to any association contract or state or federal law.

Any student engaging in behavior prohibited by this policy is subject to the disciplinary processes as set forth in Chemeketa's Students' Rights and Responsibilities handbook.

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**HARASSMENT/DISCRIMINATION** (continued)

Any vendor engaging in behavior prohibited by this policy may have their contract cancelled within the terms and conditions of their contract.

Any member of the general public engaging in behavior prohibited by this policy may be trespassed from campus.

**Retaliation**

Chemeketa prohibits retaliation against an individual or group of individuals involved in any of the following:

- Filing a complaint or report under this policy
- Filing an external complaint
- Participating in a disciplinary process
- Providing information concerning a complaint or participating in an investigation
- Opposing in a reasonable manner an action believed to constitute a violation of this policy

Retaliation can take many forms, including, but not limited to, verbal or physical abuse, threats of violence, and/or intimidation. Actions are considered retaliatory when they have a materially adverse effect on the working, academic, or college-controlled living environment of an individual, or that hinder the individual from effectively carrying out their college responsibilities. Individuals engaging in retaliatory acts are subject to discipline as described in this policy.

June 26, 1991

*Adopted College Board of Education*

November 15, 2000; July 26, 2006;  
October 17, 2007; October 21, 2009;  
April 17, 2013; December 20, 2016;  
December 18, 2019

*Revised College Board of Education*