

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 their 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; 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 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.
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e.
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683.

Cross Reference(s):

JBA/GBN - Sexual Harassment

Hazing/Harassment/Intimidation/Bullying/Menacing

Hazing, harassment, intimidation, menacing, bullying, including cyberbullying, by students, staff or third parties is strictly prohibited and shall not be tolerated by the College.

Students whose behavior is found to be in violation of this policy will be subject to discipline, up to and including expulsion. Staff whose behavior is found to be in violation of this policy will be subject to discipline, up to and including dismissal. Third parties 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 Board.

Individuals may also be referred to law enforcement officials.

The President or designee is directed to develop administrative regulations to implement this policy. Regulations shall include descriptions of prohibited conduct, reporting and investigative procedures, and provisions to ensure notice of this policy is provided to students, staff and third parties.

END OF POLICY

Legal Reference(s):

[ORS 163.190](#)
[ORS 166.065](#)
[ORS 166.155 - 166.165](#)
[ORS 341.290\(2\)](#)

[OAR 589-010-0100](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d.

Payroll Authorizations

Each employee of the College who is not covered by a collective bargaining agreement will be issued a payroll authorization. Such payroll authorization will specify the duties, funding sources, if appropriate, and salary. Payroll authorizations will be issued prior to May 30 of each year.

Additionally, payroll authorization of professional staff members will include the date by which the payroll authorization shall be renewed for the following academic year.

Payroll authorization decisions will be based on current duties, ability of a given employee to assume additional duties, based upon job skills and abilities and the employee's evaluation.

Written notice of reasonable assurance of continued employment to all employees who are to perform services in the same or similar capacity during a subsequent academic year or term, or in the period immediately following a recess period will be given to employees by May 30.¹

Employees hired subsequent to May 30 will be given notice as of the date of hire.

END OF POLICY

Legal Reference(s):

[ORS 341.290](#)
[ORS 341.547](#)

[OAR 589-008-0100\(1\)\(e\)](#)

¹Pursuant to ORS 341.547, faculty members on annual or indefinite tenure, classified staff members on regular status and management service employees are considered to have been given notice for the purpose of this policy.

Family Medical Leave *

When applicable, the College will comply with the provisions of the Family and Medical Leave Act (FMLA) of 1993, the Oregon Family Leave Act (OFLA) of 1995, the Military Family Leave Act as part of the National Defense Authorization Act of 2008 and for Fiscal Year 2010 (which expanded certain leave to military families and veterans for specific circumstances), the Oregon Military Family Leave Act (OMFLA) of 2009, and other applicable provisions of Board policies and collective bargaining agreements regarding family medical leave.

FMLA applies to community colleges with 50 or more employees within 75 miles of the employee's work site, based on employment during each working day during any of the 20 or more work weeks in the calendar year in which the leave is to be taken, or in the calendar year preceding the year in which the leave is to be taken. The 50 employee test does not apply to educational institutions for determining employee eligibility.

OFLA and OMFLA apply to community colleges that employ 25 or more part-time or full-time employees in Oregon, based on employment during each working day during any of the 20 or more work weeks in the calendar year in which the leave is to be taken, or in the calendar year immediately preceding the year in which the leave is to be taken.

In order for an employee to be eligible for the benefits under FMLA, they must have been employed by the College for at least 12 months and have worked at least 1250 hours during the past 12-month period.

In order for an employee to be eligible for the benefits under OFLA, they must work an average of 25 hours per week and have been employed at least 180 calendar days prior to the first day of the family medical leave of absence. For parental leave purposes, an employee becomes eligible upon completing at least 180 calendar days immediately preceding the date on which the parental leave begins. There is no minimum average number of hours worked per week when determining employee eligibility for parental leave.

OMFLA applies to employees who work an average of at least 20 hours per week; there is no minimum number of days worked when determining an employee's eligibility for OMFLA.

The President or designee will develop administrative regulations as necessary for the implementation of the provisions of both federal and state law.

END OF POLICY

Legal Reference(s):

[ORS 332.507](#)

[ORS 342.545](#)

[ORS 659A.090](#)

[ORS 659A.093](#)

[ORS 659A.096](#)

[ORS 659A.099](#)

[ORS 659A.150 - 659A.186](#)

[OAR 839-009-0200 to-0320](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2006).
Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601-2654 (2006); Family and Medical Leave Act of 1993, 29 C.F.R. Part 825 (2008).

National Defense Authorization Act of 2008, Public Law 110-181, § 585(a).

Americans with Disabilities Act Amendments Act of 2008.

National Defense Authorization Act for Fiscal Year 2010, Public Law 111-84, § 565.

Escriba v. Foster Poultry Farms, Inc. 743 F.3d 1236 (9th Cir. 2014).

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**Leave and Accommodations for Victims of
Domestic Violence/Harassment/Sexual Assault/Stalking Leave**

Definitions

1. “Covered employer” means an employer who employs six or more individuals in the state of Oregon for each working day through each of 20 or more calendar workweeks in the year in which the eligible employee takes leave to address domestic violence, harassment, sexual assault or stalking, or in the year immediately preceding the year in which an eligible employee takes leave for domestic violence, harassment, sexual assault or stalking.
2. “Eligible employee” means an employee who is a victim of domestic violence, harassment, sexual assault or stalking or is the parent or guardian of a minor child or dependent who is a victim of domestic violence, harassment, sexual assault or stalking.
3. “Protective order” means an order authorized by ORS 30.866, 107.095(1)(c), 107.700 to 107.735, 124.005 to 124.040 or 163.730 to 163.750 or any other order that restrains an individual from contact with an eligible employee of the employee’s minor child or dependent.
4. “Reasonable Safety Accommodation” refers to work modifications which could include changes to the employee’s work locations, assignments, job structure, contact information and security access which the employee requests and which would not pose undue hardship to the College.
5. “Victim of domestic violence” means an individual who has been a victim of abuse as defined by ORS 107.705; or any other individual designated as a victim of domestic violence by rule adopted under ORS 659A.805.
6. “Victim of harassment” means an individual against whom harassment has been committed as described in ORS 166.805 and any other individual designated as a victim of harassment by rule adopted under ORS 659A.805.
7. “Victim of sexual assault” means an individual against whom a sexual offense has been committed as described in ORS 163.467 or 163.525; or any other individual designated as a victim of sexual assault by rule adopted under ORS 659A.805.
8. “Victim of stalking” means an individual against whom stalking has been committed as described in ORS 163.732; or an individual designated as a victim of stalking by rule adopted under ORS 695A.805; or an individual who has obtained a court’s stalking protective order or a temporary court’s stalking protective order under ORS 30.866.

9. “Victim services provider” means a prosecutor-based victim assistance program or a nonprofit program offering safety planning, counseling, support or advocacy related to domestic violence, harassment, sexual assault or stalking.

A College shall allow an eligible employee to take reasonable leave for any of the following reasons:

1. To seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or the employee’s minor child or dependent, including preparing for and participating in protective order proceedings or other civil or criminal legal proceedings related to domestic violence, harassment, sexual assault or stalking;
2. To seek medical treatment for or to recover from injuries caused by domestic violence, or sexual assault to or harassment or stalking of the eligible employee or the employee’s minor child or dependent;
3. To obtain or assist a minor child or dependent in obtaining counseling from a licensed mental health professional related to an experience of domestic violence, harassment, sexual assault or stalking;
4. To obtain services from victims services provider for the eligible employee or the employee’s minor child or dependent;
5. To relocate or take steps to secure an existing home to ensure health and safety of the eligible employee or the employee’s minor child/dependent.

The College may limit the amount of leave, if the employee’s leave creates an undue hardship on the College.

The College shall not deny leave to an employee or discharge, threaten to discharge, demote, suspend or in any manner discriminate or retaliate against an employee with regards to promotion, compensation or other terms, conditions or privileges of employment as a result of taking such leave.

The employee shall give the district reasonable advanced notice of their intent to take leave unless giving advance notice is not feasible.

The College shall provide reasonable safety accommodation, as far as is practicable, unless such accommodation causes undue hardship.

The College may require the employee to provide certification that:

1. The employee or minor child/dependent is a victim of domestic violence, harassment, sexual assault or stalking; and

2. The leave is taken or the safety accommodation is provided for one of the identified purposes in this policy.

Sufficient certification includes:

1. A copy of a police report indicating the employee or child/dependent was a victim of domestic violence, harassment, sexual assault or stalking.
2. A copy of a protective order or other evidence from a court, administrative agency or attorney that the employee appeared in or was preparing for a civil, criminal or administrative proceeding related to domestic violence, harassment, sexual assault or stalking.
3. Documentation from an attorney, law enforcement officer, health care professional, licensed mental professional or counselor, member of the clergy or victims services provider that the employee/minor child/dependent was undergoing counseling, obtaining services or relocating as a result of domestic violence, harassment, sexual assault or stalking.

All records and information kept by the College regarding the employee's leave and accommodation request, including the request or obtaining of leave is confidential and may not be released without the express permission of the employee unless otherwise required by law. This information will be kept in a file separate from the employee's personnel file.

END OF POLICY

Legal Reference(s):

[ORS 192.335\(38\)](#)

[ORS 659A.270 to-659A.290](#)

Sick Time*

“Employee” means an individual who is employed by the community college and who is paid on an hourly, stipend or salary basis, and for whom withholding is required under Oregon Revised Statute (ORS) 316.162-316.221. The definition does not include volunteers or independent contractors.

Employees qualify to begin earning and accruing sick time on the first day of employment with the community college.

END OF POLICY

Legal Reference(s):

[ORS 342.545](#)
[ORS 342.610](#)

[ORS 659A.150](#) to -659A.186

SB 454 (2015)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2006).
Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601-2654 (2006); Family and Medical Leave Act of 1993, 29 C.F.R. Part 825 (2006).

Americans with Disabilities Act Amendments Act of 2008.
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Hiring Process

The President may authorize positions within the total budget established for employees. The President may also authorize employment and salary of all employees within the guidelines of the College's bargaining agreements, salary schedules, and policies. Such authorization may be delegated by the President.

The President or designee shall be responsible for establishing procedures, as needed, for recruiting, screening, interviewing and approving candidates for faculty, staff, and administrative positions.

END OF POLICY

Legal Reference(s):

[ORS 341.290\(1\)](#)

[ORS 659.850](#)

[ORS 659A.009](#)

[ORS 659A.029](#)

[ORS 659A.043](#)

[ORS 659A.046](#)

[ORS 659A.109](#)

[ORS 659A.142](#)

[ORS 659A.145](#)

[ORS 659A.233](#)

[ORS 659A.236](#)

[ORS 659A.309](#)

[ORS 659A.805](#)

[OAR 589-008-0100\(3\)](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d.

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e.

Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107.

Equal Pay Act of 1963, 29 U.S.C. § 206(d).

Rehabilitation Act of 1973, 29 U.S.C. §§ 503, 791, 793-794.

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683.

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. § 4212.

Title II of the Genetic Information Nondiscrimination Act of 2008.

Clackamas Community College

Code: **GCL/GDL**
Adopted: 10/11/06
Readopted: 12/14/11
Orig. Code(s): 604

Staff Development

The Board believes that the College's most important asset is its staff. The Board also believes that the success of the institution is directly related to how the staff is perceived by those who use its services. Improving the capabilities of the staff to meet the changing needs of the public will improve the quality and effectiveness of the college.

Specifics covering staff development functions may be found in bargaining contracts and the College Employee Handbook.

END OF POLICY

Legal Reference(s):

[ORS 341.290\(2\)](#)

[OAR 589-008-0100\(1\)\(g\), \(4\)](#)

Americans with Disabilities Act of 1990; Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630; 28 C.F.R. Part 35.

Evaluation of Staff

An effective evaluation program is essential to a quality educational program. It is an important tool to determine the current level of an instructor's performance of the teaching responsibilities. It is also an important assessment of support services employees and current performance of their job assignments. Under Board policy, the President is responsible for developing a staff evaluation program. The evaluation program shall serve as a tool for supervisors who are responsible for making decisions about appointments, promotion, demotion, contract renewal or nonrenewal, dismissal and discipline.

This evaluation program shall be designed to provide an opportunity for staff to set goals and objectives, including plans for professional growth and career opportunities and receive supervisor responses to them; to receive peer assistance as appropriate; to have formal and informal classroom observations; to assess performance of other duties and job responsibilities of all staff; to receive verbal and written comments and suggestions for improvement from supervisors; and to have opportunities to make required improvement(s) within specific timelines.

END OF POLICY

Legal Reference(s):

[ORS 341.290\(2\)](#)

[OAR 589-008-0100\(1\)\(h\)](#)

Resignation of Staff

A resigning employee shall deliver a written and signed notice of resignation to the Human Resources Office.

The President or designee shall have authority to accept an employee's resignation on behalf of the Board. If the President decides to accept the resignation, acceptance shall be signed and dated by the President and forwarded to the employee, a copy of which shall be placed in the employee's personnel file. The resignation shall be final upon receipt by the President. The resignation shall be effective as of the date specified in the notice. If no effective date is specified in the notice, the resignation shall be effective as of the date specified in the President's acceptance letter.

The President shall make a report to the Board of all resignations accepted.

END OF POLICY

Legal Reference(s):

[ORS 652.140](#)

Pierce v. Douglas County Sch. Dist., 297 Or. 363 (1984).

Authorization of Support Services Positions and Employment

The President may authorize positions within the Board-approved organizational chart, employment and salary of all employees (or changes needed) within College salary schedules, policies and the total budget established for employees. Such authorization may be delegated by the President.

Selection and termination of support services personnel is the responsibility of the President or designee.

The President may develop guidelines for recruiting, screening, interviewing and recommending candidates for support services positions.

END OF POLICY

Legal Reference(s):

[ORS 341.290\(1\)](#)
[ORS 659.850](#)
[ORS 659A.009](#)
[ORS 659A.029](#)
[ORS 659A.043](#)

[ORS 659A.046](#)
[ORS 659A.109](#)
[ORS 659A.142](#)
[ORS 659A.145](#)
[ORS 659A.233](#)

[ORS 659A.236](#)
[ORS 659A.309](#)
[ORS 659A.805](#)

[OAR 589-008-0100\(1\)\(d\)](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d.
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e.
Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107.
Equal Pay Act of 1963, 29 U.S.C. § 206(d).
Rehabilitation Act of 1973, 29 U.S.C. §§ 503, 791, 793-794.
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683.
Americans with Disabilities Act of 1990; Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630; 28 C.F.R. Part 35.
The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. § 4212.
Title II of the Genetic Information Nondiscrimination Act of 2008.

Clackamas Community College

Code: **IC**
Adopted: 1/11/06
Readopted: 5/09/12
Orig. Code(s): 415

Academic Calendar

The College academic calendar, designed to provide the best learning opportunities for students, will be recommended by the President and approved by the Board.

END OF POLICY

Legal Reference(s):

[ORS 341.290\(2\)](#)

Training Services/Continuing Ed/Alternative Education

The College offers a wide range of credit and noncredit courses and services at appropriate locations throughout the community college district.

Courses and services may include:

1. Alternative programs;
2. Community education;
3. Customized training and development services;
4. Small business development services;
5. Outreach.

END OF POLICY

Legal Reference(s):

[ORS Chapter 341](#)

Clackamas Community College

Code: **IIBD**
Adopted: 1/11/06
Readopted: 5/09/12
Orig. Code(s): 305

Library

The College library provides information resources and services to support instructional programs. The library is an intellectual center ensuring equitable access to quality, cost-effective information resources in a variety of formats and technologies. Library staff assists students, staff and community patrons in finding, locating and evaluating information resources.

END OF POLICY

Legal Reference(s):

[ORS 332.385](#)

[ORS 337.120](#)

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Adult High School Diploma Program

The purpose of the Adult High School Diploma (AHSD) program is to provide an opportunity for a person with an exemption from compulsory attendance to earn an Oregon diploma.

Before the College may award an AHSD, the College shall have an approved program plan on file at the Community College and Workforce Development (CCWD). The plan shall be approved by the Board prior to being filed for review with CCWD and recommendation for approval by the CCWD Commissioner. The College shall submit the plan to CCWD on a date and in a format described in guidance documents provided by CCWD.

The College's AHSD program plan shall include, but is not limited to:

1. The statement of assurances described in guidance documents provided by the CCWD;
2. A description of the following:
 - a. Program mission and goals;
 - b. Admission requirements;
 - c. Student orientation and advising;
 - d. Maintenance of student records;
 - e. Services for students with disabilities;
 - f. Student assessment and completion criteria;
 - g. Course offerings;
 - h. Personalized learning;
 - i. Awarding high school diploma credit;
 - j. Minimum credit requirement;
 - k. Other community college or program requirements; and
 - l. Recognition of student achievement.

To be eligible to receive an AHSD, a student shall:

1. Be exempt from compulsory attendance as provided in Oregon Administrative Rule (OAR) 581-021-0076 and Oregon Revised Statutes (ORS) 339.030(2) or otherwise not be required to attend as provided in ORS 339.010;
2. Complete all requirements for an Oregon diploma as provided in OAR 581-022-1130, or other rules establishing minimum requirements;
3. Earn at least one adult high school diploma academic credit from the College's approved AHSD program; and

4. Complete all program requirements as described in the College's AHSD program plan.

The College shall annually update the Adult High School Diploma program plan and submit the following to the CCWD:

1. Statement of assurances;
2. Plan update and statistical reports;
3. Participation in ongoing program monitoring and evaluation.

END OF POLICY

Legal Reference(s):

[ORS 341.425](#)
[OAR 589-007-0600](#)