

Clackamas Community College

Code: **GAB**
Adopted: 8/03/94
Orig. Code(s): 601

Job Description

Current job descriptions will be maintained by the College human resources office. All job descriptions shall comply with all applicable state and federal laws.

An employee requesting a copy of his/her job description will be provided one without cost to the employee. Job descriptions will be used as a reference for employee evaluations.

END OF POLICY

Legal Reference(s):

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

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).

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.

Section 503 of the Rehabilitation Act of 1973.

Equal Employment Opportunity

Equal employment opportunity and treatment shall be practiced by the College regardless of race, color, national origin, religion, sex, sexual orientation¹, age, disability, veterans' status, genetic information or marital status if the employee, with or without reasonable accommodation, is able to perform the essential functions of the position.

The President will appoint an employee to serve as the officer in charge of compliance with the Americans with Disabilities Act of 1990, the Americans with Disabilities Act Amendments Act of 2008 (ADA), and Section 504 of the Rehabilitation Act of 1973. The President will also designate a Title IX coordinator to comply with the requirements of Title IX of the Education Amendments of 1972. The Title IX coordinator will investigate complaints communicated to the district alleging noncompliance with Title IX. The name, address and telephone number of the Title IX coordinator will be provided to all students and employees.

END OF POLICY

Legal Reference(s):

ORS 174.100	ORS 659A.009	ORS 659A.233
ORS 192.630	ORS 659A.029	ORS 659A.236
ORS 243.672	ORS 659A.030	ORS 659A.309
ORS 341.290(1)	ORS 659A.043	ORS 659A.409
ORS 659.805	ORS 659A.046	
ORS 659.850	ORS 659A.109	OAR 589-008-0100(1)(j)
ORS 659.870	ORS 659A.142	OAR 589-010-0100
ORS 659A.003	ORS 659A.145	OAR 839-003-0000
ORS 659A.006		

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2006).
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2006).
Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2006).
Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2006).
Rehabilitation Act of 1973, 29 U.S.C. §§ 503, 791, 793-794 (2006).
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2006).
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).
Vietnam Era Veterans' Readjustment Assistance Act of 1974, 38 U.S.C. § 4212 (2006).
Wygant v. Jackson Bd. of Educ., 476 U.S. 267 (1989).
Americans with Disabilities Act Amendments Act of 2008.
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.

R9/23/10 | RS

¹“Sexual orientation” means an individual’s actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual’s gender identity, appearance, expression or behavior differs from that traditionally associated with in the individual’s sex at birth.

Shared Governance

The College strives to empower greater numbers of participants in the operation of the College through shared governance. The concept of shared governance is to provide staff and student involvement in decision making in a climate of mutual trust and respect. The goal of shared governance is to reach solutions through a collaborative decision-making process.

The benefits of shared governance include:

1. The expertise, insight and analytical skills from a broader base of individuals throughout the organization;
2. A greater identification with decisions and therefore greater commitment to their implementation;
3. A broader perspective of College objectives and of the ways to achieve them;
4. The promotion of cooperation, mutual understanding, team identity and coordination;
5. Increased opportunities for conflict resolution through consultation and consensus building;
6. A greater understanding and acceptance of decisions.

The President and Presidents' Council oversees the development of guidelines as needed for the implementation of shared governance.

END OF POLICY

Legal Reference(s):

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

Staff Ethics

I. Conflict of Interest

No College employee will use his/her College position to obtain personal financial benefit or avoidance of financial detriment or financial gain or avoidance of financial detriment for relatives, household members or for any business with which the employee, household member or relative is associated.

This prohibition does not apply to any part of an official compensation package, honorarium allowed by ORS 244.042, reimbursement of expenses, or unsolicited awards of professional achievement. Further, this prohibition does not apply to gifts from one without a legislative or administrative interest. Nor does it apply if the gift is under the \$50 gift limit for one who has a legislative or administrative interest in any matter subject to the decision or vote of the College employee.

College employees will not engage in, or have a financial interest in, any activity that raises a reasonable question of conflict of interest with their duties and responsibilities as staff members. This means that:

1. Employees will not use their position to obtain financial gain or avoidance of financial detriment from students, parents or staff;
2. Any device, publication or any other item developed during the employee's paid time shall be College property;
3. Employees will not further personal gain through the use of confidential information gained in the course of or by reason of position or activities in any way;
4. No College employee may serve as a Board or budget committee member in the College;
5. An employee will not perform any duties related to an outside job during his/her regular working hours or during the additional time that he/she needs to fulfill the position's responsibilities; nor will an employee use any College facilities, equipment or materials in performing outside work.
6. If an employee authorizes a public contract, the employee may not have a direct beneficial financial interest in that public contract for two years after the date the contract was authorized.

If an employee has a potential or actual conflict of interest, the employee must notify his/her supervisor in writing of the nature of the conflict and request that the supervisor dispose of the matter giving rise to the conflict.

Nepotism

In order to avoid both potential and actual conflicts of interests, College employees must abide by the following rules when an employee's relative or member of the household is seeking and/or holds a position with the College:

1. A College employee may not appoint, employ, promote, discharge, fire, or demote or advocate for such an employment decision for a relative or a member of the household, unless he/she complies with the conflict of interest requirements of ORS Chapter 244. This rule does not apply to employment decisions regarding unpaid volunteer position, unless it is a Board-related position.
2. A College employee may not participate as a public official in any interview, discussion, or debate regarding the appointment, employment, promotion, discharge, firing, or demotion of a relative or a member of the household. An employee may still serve as a reference, provide a recommendation, or perform other acts that are part of the normal job functions of the employee.
3. More than one member of an employee's family may be hired as a regular College employee. Employees who are members of the same family may be assigned to work in the same department with the dean of human resources's approval. In accordance with Oregon law, however, the College may refuse to hire individuals, or may transfer current employees, in situations where an appointment would place one family member in a position of exercising supervisory, appointment or grievance adjustment authority over another member of the same family.

In the *conflict of interest context*, a "member of the household" means any person who resides with the employee and "relative" means:

1. The employee's spouse¹;
2. Any children of the employee, or his/her spouse; and
3. Brothers, sisters, half-brothers, half-sisters, brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, mothers-in-law, fathers-in-law, aunts, uncles, nieces, nephews, stepparents, stepchildren, or parents of the employee, or his/her spouse.

II. Gifts

College employees must comply with the following rules involving gifts:

Employees are public officials and therefore will not solicit or accept a gift or gifts with an aggregate value in excess of \$50 from any single source in a calendar year that has a legislative or administrative interest in any matter subject to the decision or vote of the College employee. All gift related provisions apply to the employee, their relatives, and members of their household. The \$50 gift limit applies separately to the employee, and to the employee's relatives or members of household, meaning that the employee and each member of their household and relative can accept up to \$50 each from the same source/gift giver.

¹The term spouse includes domestic partners.

1. “Gift” means something of economic value given to an employee without valuable consideration of equivalent value, which is not extended to others who are not public officials on the same terms and conditions.
2. “Relative” *in the gift context* means the spouse of the employee; any children of the employee or of the employee’s spouse; siblings, spouses of siblings or parents of the employee or of the employee’s spouse; any individual for whom the employee has a legal support obligation; or any individual for whom the employee provides benefits arising from the employee’s public employment or from whom the employee receives benefits arising from that individual’s employment.
3. “Member of the household” means any person who resides with the employee.

Determining the Source of Gifts

Employees should not accept gifts in any amount without obtaining information from the gift giver as to who is the source of the gift. It is the employee’s personal responsibility to ensure that no single source provides gifts exceeding an aggregate value of \$50 in a calendar year, if the source has a legislative or administrative interest in any matter subject to the decision or vote of the College employee. If the giver does not have a legislative/administrative interest, the ethics rules on gifts do not apply and the employee need not keep track of it, although they are advised to do so anyway in case of a later dispute.

Determining Legislative and Administrative Interest

A legislative or administrative interest means an economic interest distinct from that of the general public, in any action subject to the official decision of an employee.

A decision means an act that commits the College to a particular course of action within the employee’s scope of authority and that is connected to the source of the gift’s economic interest. A decision is not a recommendation or work performed in an advisory capacity. If a supervisor delegates the decision to a subordinate but retains responsibility as the final decision maker, both the subordinate and supervisor’s actions would be considered a “decision.”

Determining the Value of Gifts

The fair market value of the merchandise, goods, or services received will be used to determine benefit or value.

“Fair market value” is the dollar amount goods or services would bring if offered for sale by a person who desired, but was not obligated, to sell and purchased by one who is willing, but not obligated, to buy. Any portion of the price that was donated to charity, however, does not count toward the fair market value of the gift if the employee does not claim the charitable contribution on personal tax returns. Below are acceptable ways to calculate the fair market value of a gift:

1. In calculating the per person cost at receptions or meals the payor of the employee’s admission or meal will include all costs other than any amount donated to a charity.

For example, a person with a legislative or administrative interest buys a table for a charitable dinner at \$100 per person. If the cost of the meal was \$25 and the amount donated to charity was \$75, the benefit conferred on the employee is \$25. This example requires that the employee does not claim the charitable contribution on personal tax returns.

2. For receptions and meals with multiple attendees, but with no price established to attend, the source of the employee's meal or reception will use reasonable methods to determine the per person value or benefit conferred. The following examples are deemed reasonable methods of calculating value or benefit conferred:
 - a. The source divides the amount spent on food, beverage and other costs (other than charitable contributions) by the number of persons whom the payor reasonably expects to attend the reception or dinner;
 - b. The source divides the amount spent on food, beverage and other costs (other than charitable contributions) by the number of persons who actually attend the reception or dinner; or
 - c. The source calculates the actual amount spent on the employee.
3. Upon request by the employee, the source will give notice of the value of the merchandise, goods, or services received.
4. Attendance at receptions where the food or beverage is provided as an incidental part of the reception is permitted without regard to the fair market value of the food and beverage provided.

Value of Unsolicited Tokens or Awards: Resale value

Employees may accept unsolicited tokens or awards that are engraved or are otherwise personalized items. Such items are deemed to have a resale value under \$25 (even if the personalized item cost the source more than \$50), unless the personalized item is made from gold or some other valuable material that would have value over \$25 as a raw material.

Entertainment

Employees may not accept any gifts of entertainment over \$50 in value from any single source in a calendar year that has a legislative or administrative interest in any matter subject to the decision of the employee unless:

1. The entertainment is incidental to the main purpose of another event (i.e. a band playing at a reception). Entertainment that involves personal participation is not incidental to another event (such as a golf tournament at a conference); or
2. The employee is acting in their official capacity for a ceremonial purpose.

Entertainment is ceremonial when an employee appears at an entertainment event for a "ceremonial purpose" at the invitation of the source of the entertainment who requests the presence of the employee at a special occasion associated with the entertainment. Examples of an appearance by an employee at an entertainment event for a ceremonial purpose include: throwing the first pitch at a baseball game, appearing in a parade and ribbon cutting for an opening ceremony.

Exceptions

The following are exceptions to the ethics rules on gifts that apply to employees.

1. Gifts from “relatives” and “members of the household” are permitted in an unlimited amount; they are not considered gifts under the ethics rules.
2. Informational or program material, publications, or subscriptions related to the recipient’s performance of official duties.
3. Food, lodging, and travel generally count toward the \$50 aggregate amount per year from a single source with a legislative/administrative interest, with the following exceptions:

Organized Planned Events. Employees are permitted to accept payment for travel conducted in the employee’s official capacity, for certain limited purposes:

- (1) Reasonable expenses (i.e. food, lodging, travel, fees) for attendance at a convention, fact-finding mission or trip, or other meeting do not count toward the \$50 aggregate amount IF:
 - (a) The employee is scheduled to deliver a speech, make a presentation, participate on a panel, or represent the College; AND
 - i) The giver is a unit of a:
 - a) Federal, state, or local government;
 - b) An Oregon or federally recognized Native American Tribe; OR
 - c) Non-profit corporation.
 - (b) The employee is representing the College:
 - i) On an officially sanctioned trade-promotion or fact-finding mission; OR
 - ii) Officially designated negotiations or economic development activities where receipt of the expenses is approved in advance by the President.
 - (2) The purpose of this exception is to allow employees to attend organized, planned events and engage with the members of organizations by speaking or answering questions, participating in panel discussions or otherwise formally discussing matters in their official capacity. This exception to the gift definition does not authorize private meals where the participants engage in discussion.
4. Food or beverage, consumed at a reception, meal, or meeting IF held by an organization and IF the employee is representing the College.

“Reception” means a social gathering. Receptions are often held for the purpose of extending a ceremonial or formal welcome and may include private or public meetings during which guests are honored or welcomed. Food and beverages are often provided, but not as a plated, sit-down meal.
5. Food or beverage consumed by employee acting in an official capacity in the course of financial transactions between the public body and another entity described in ORS 244.020(6)(b)(I)(I).

6. Waiver or discount of registration expenses or materials provided to employee at a continuing education event that the employee may attend to satisfy a professional licensing requirement.
7. A gift received by the employee as part of the usual or customary practice of the employee's private business, employment or position as a volunteer that bears no relationship to the employee's position.
8. Reasonable expenses paid to employee for accompanying students on an educational trip.

Honoraria

An employee may not solicit or receive, whether directly or indirectly, honoraria for the employee or any member of the household of the employee if the honoraria are solicited or received in connection with the official duties of the employee.

The honoraria rules do not prohibit the solicitation or receipt of an honorarium or a certificate, plaque, commemorative token or other item with a value of \$50 or less; or the solicitation or receipt of an honorarium for services performed in relation to the private profession, occupation, avocation or expertise of the employee.

END OF POLICY

Legal Reference(s):

[ORS 244.010](#) to-244.400

[ORS 260.005](#)

[ORS 294.311](#)

[ORS 294.336](#)

[ORS 332.016](#)

[ORS 659A.309](#)

[OAR 199-005-0003](#) to-199-020-0020

[OAR 584-020-0040](#)

OR. ETHICS COMM'N, OR. GOV'T ETHICS LAW, A GUIDE FOR PUBLIC OFFICIALS (2008).

AIDS, ARC or HIV

The College recognizes the importance of information and education relating to AIDS (Acquired Immune Deficiency Syndrome), ARC (AIDS-Related Complex) and HIV (Human Immunodeficiency Virus). The College also recognizes the need to provide proper protection for its students and staff, while remaining sensitive to the needs of any student or staff member with AIDS, ARC or HIV infections.

Consistent with current medical evidence that AIDS is not transmittable through casual work or campus contact, the Board hereby declares the following statements, relating to students or staff members infected with AIDS virus, ARC or HIV infection, as policy until such time as new medical or legal information mandates update or change:

1. The College will not require employees, applicants for employment or students to be tested for the AIDS virus;
2. Confidentiality concerning employees and students will be maintained. Self-disclosure is voluntary;
3. All students and staff will be allowed to participate in all phases of College life including classes, programs, activities and employment consistent with established College policies;
4. Coverage under employee benefit packages will continue to be consistent with bargaining agreements;
5. Any employee refusing to work with another employee or student having, or suspected of having, AIDS or a related condition, will be provided with educational information in an attempt to allay his/her fears. If the employee still refuses to work, that employee may be subject to disciplinary action up to and including dismissal.

END OF POLICY

Legal Reference(s):

[ORS 243.650](#)
[ORS 342.850\(7\)](#)
[ORS 433.008](#)
[ORS 433.045](#)
[ORS 433.260](#)

[OAR 333-012-0270](#)
[OAR 333-017-0000](#)
[OAR 333-018-0000](#)
[OAR 333-018-0005](#)
[OAR 581-022-0705](#)

Drug-Free Workplace

The College recognizes controlled substance abuse as illegal and interfering with effective teaching, work and the development of a safe and healthy environment for learning. The College has a fundamental legal and ethical obligation to prevent controlled substance abuse and to maintain an alcohol/drug-free work and educational environment.

This policy applies to all members of the College (students, faculty, staff) while at the workplace, as that term is described below.

1. Definitions

- a. “Workplace” shall mean the site for the performance of work done for the College in connection with a federal grant or contract, including any building premises used by the College, any College-owned vehicle (or any other College-approved vehicle used to transport students or fellow employees to and from work-related activities or to transport fellow employees to and from different work sites) and any off-College property used for any College-sponsored or College-approved activity, event or function.
- b. “Drugs” shall include any illegal drug, hallucinogenic drug, prescription drug (in the possession of an individual without a valid prescription), narcotic drug, amphetamine, barbiturate, marijuana or any other controlled substance (as the same is defined in ORS 475.005 or Schedules I through V under the Federal Controlled Substances Act, 21 U.S.C. Section 812).
- c. “Alcohol” shall include any form of alcohol for consumption, including beer, wine, wine coolers or distilled liquor.

2. College Policy

The College prohibits the unlawful manufacture, distribution, dispensation, possession or use of alcohol or illicit drugs in the workplace. Alcohol may be consumed on the campus only upon the written consent, obtained before usage, of the President.

No College employee shall knowingly sell, market or distribute steroid or performance enhancing substances to College students with whom the employee has contact as part of the employee’s College duties; or knowingly endorse or suggest the use of such drugs.

3. College Awareness Program

The College shall provide notice at least annually through in-service or otherwise of the following:

- a. The dangers of alcohol/drug abuse in the workplace;
- b. The College’s policy of maintaining an alcohol/drug-free workplace/College;

- c. Information on appropriate, available alcohol/drug counseling or assistance programs; and
- d. Notice of the penalties that may be imposed upon employees/students for alcohol or drug abuse violation in the workplace/College.

4. College Action

An employee who violates the terms of this policy shall, at his/her own expense, satisfactorily participate in a drug or alcohol abuse assistance or rehabilitation program approved by the President. If the employee fails to satisfactorily participate in such program, employment may be suspended, his/her contract nonrenewed or he/she may be dismissed, at the discretion of the President, which shall base its decision on the risk to the health or welfare of students or staff posed by the employee or on the probability of recurrence of the employee's violation of the policy in the future. Any student who violates the terms of this policy shall be subject to such disciplinary actions as the President determines is appropriate.

5. Federal Drug-Free Workplace Act of 1988¹

No employee engaged in work in connection with a direct federal grant or contract of \$100,000 or more shall unlawfully manufacture, distribute, dispense, possess or use any drug or alcohol on or in the workplace.

Each employee who is engaged in work related to a direct federal grant or contract of \$100,000 or more shall notify his/her supervisor of his/her conviction of any criminal drug statute based on conduct occurring in the workplace, as defined above, no later than five days after such conviction.

The College shall notify the federal granting agency within 10 days after receiving notice of an employee's conviction on any criminal drug violation occurring in the workplace.

6. Good Faith Effort

The College shall make a good faith effort to maintain an alcohol/drug-free workplace through implementation of this policy.

END OF POLICY

Legal Reference(s):

[ORS 342.721](#)
[ORS 342.723](#)

[ORS 342.726](#)
[ORS 657.176](#)

[OAR 581-022-0416](#)

Drug-Free Workplace Act of 1988, 41 U.S.C. §§ 701-707 (2006); General Principles Relating to Suspension and Debarment Actions, 34 C.F.R. §§ 85.600 - 85.645 (2006).

Controlled Substances Act, 21 U.S.C. § 812; Schedules of Controlled Substances, 21 C.F.R. §§ 1308.11 - 1308.15 (2006).

Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117 (2006).

R9/28/07 | JW

Corrected 10/17/11

¹ Colleges directly receiving grants or contracts of \$100,000 or more from the federal government are required to meet this obligation.

Tobacco Use on College Premises

Smoking on College premises is restricted to designated outdoor smoking areas. All other tobacco use is prohibited.

For the purpose of this policy, “tobacco” is defined to include any lighted or unlighted cigarette, cigar, pipe, bidi, clove cigarette, and any other smoking product; and smokeless or spit tobacco, also known as dip, chew, snuff or snus, in any form, nicotine or nicotine delivering devices, chemicals or devices that produce the physical effect of nicotine substances or any other tobacco substitute (e.g., e-cigarettes). This does not include FDA approved nicotine replacement therapy products used for the purpose of cessation.

END OF POLICY

Legal Reference(s):

[ORS 192.710](#)

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

[ORS 433.835 - 433.990](#)

Personnel Records

An official personnel file will be established for each person employed by the College and will be maintained in the human resources office in compliance with state law and appropriate collective bargaining agreements.

All records containing employee medical condition information such as workers' compensation reports and release/permission to return to work forms will be kept confidential, in a separate file from personnel records. Such records will be released only in accordance with the requirements of the Americans with Disabilities Act or other applicable law.

The President will be responsible for establishing regulations regarding the control, use, safety and maintenance of all personnel records. Employees will be given a copy of evaluations, complaints and written disciplinary actions to be placed in their personnel file and may submit a written response to be attached to the file copy.

Except as provided below, or required by law, College employees' personnel records will be available for use and inspection only by the following:

1. The individual employee. An employee or designee may arrange with the human resources office to inspect the contents of his/her personnel file on any day the human resources office is open for business;
2. Others designated in writing by the employee;
3. The comptroller or auditor, when such inspection is pertinent to carrying out his/her respective duties, or as otherwise specifically authorized by the Board. Information so obtained will be kept confidential. No files will be removed from their central location for personal inspection;
4. A Board member when specifically authorized by the Board. Information will be kept confidential. No files will be removed from their central location for personal inspection;
5. The President and vice presidents;
6. College administrators and supervisors who currently or prospectively supervise the employee;
7. Employees of the human resources office;
8. Attorneys for the College or the College's designated representative on matters of College business.

The President may permit persons other than those specified above to use and to inspect employee records when, in his/her opinion, the person requesting access has a legitimate official purpose. The President will determine in each case the appropriateness and extent of such access.

Release of personnel records to parties other than those authorized to inspect them will be only upon receipt of a court order. (the word *release* is appropriate here as it is in response to a court order which is a request to release the “custody of records from the college to the court”)

END OF POLICY

Legal Reference(s):

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

[ORS 652.750](#)

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

OSEA v. Lake County Sch. District, 93 Or. App. 481 (1988).

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).

Staff Complaints and Appeals

Procedures for processing staff grievances and appeals for those employees covered by a collective bargaining agreement will be contained in the appropriate agreement.

Procedures for processing grievances and appeals for those employees not covered by a collective bargaining agreement will be developed by the President or designee, as necessary

END OF POLICY

Legal Reference(s):

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

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

Anderson v. Central Point Sch. Dist., 746 F.2d 505 (9th Cir. 1984).

Connick v. Myers, 461 U.S. 138 (1983).

Sexual Harassment

The Board 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 noncollege 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 or graffiti of a sexual nature, displaying or distributing of sexually explicit drawings, pictures and written materials, sexual gestures or obscene jokes, touching oneself sexually or talking about one's sexuality in front of others or spreading rumors about or rating other students or others as to appearance, sexual activity or 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 he/she is a victim of sexual harassment must immediately report his/her 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 up to and including expulsion and/or counseling or sexual harassment awareness training, as appropriate. Employees in violation of this policy shall be subject to discipline, up to and including dismissal and/or additional sexual harassment awareness training, 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 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 (2006).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2006).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2006).

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 (2006).

Children on Campus

Employees

Except for employer-sponsored programs such as “Take Your Child to Work Day,” institutional liability prohibits employees from bringing their children to work if they will be supervising the child(ren) while they are working. Prior approval for rare exceptions are at the sole discretion of the supervisor.

Students

Only enrolled students may sit in classes or labs, except for sponsored programs (i.e. Skills Contest). Prior approval for rare exceptions are at the sole discretion of the instructor.

Minors who are brought to any College campus site by a responsible adult, including parking area, are not to be left unattended or unsupervised; and the adult assumes all liability for the child’s welfare and negligence. Child care is the responsibility of the adult and not the College. This regulation does not prohibit College premises from being used as it is intended by any customer of the College (i.e. library).
END OF POLICY

Legal Reference(s):

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

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

The College will comply with all 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 of 2009, and other applicable provisions of Board policies and collective bargaining agreements regarding family medical leave.

In order for an employee to be eligible for the benefits under federal law, he/she 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 to be eligible under state law, an employee must work an average of 25 hours per week and have been employed at least 180 days prior to the first day of the family medical leave of absence. For parental leave purposes, however, an employee becomes eligible upon completing at least 180 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.

Federal and state leave entitlements generally run concurrently.

The President 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).

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

Faculty Selection

The President shall be responsible for establishing procedures, as needed, for recruiting, screening, interviewing and recommending candidates for faculty positions.

No employment agreement will be issued to the candidate or appointment made until the Board has acted on the President's recommendation.

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 (2006).
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2006).
Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2006).
Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2006).
Rehabilitation Act of 1973, 29 U.S.C. §§ 503, 791, 793-794 (2006).
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2006).
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.

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 and the Administrative, Supervisory and Confidential Staff Agreements Handbook*.

END OF POLICY

Legal Reference(s):

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

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

Clackamas IED Assn. v. Clackamas IED, No. C-141-77, 3 PUB. EMPL. COLL. BARG. REP. 1848 (ERB 1978).

Eugene Educ. Ass'n v. Eugene Sch. Dist. 4J, No. C-93-79, 5 PUB. EMPL. COLL. BARG. REP. 3004 (ERB 1980).

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).

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).

Copyrights and Patents

The Board asserts the College's proprietary rights to publications, instructional materials and other devices prepared by College employees during their paid work time. The Board also recognizes the importance of encouraging its professional staff to engage in professional writing, research and other creative endeavors. Publications, articles, materials, models and other items produced by College personnel for College use with College time, money and facilities as part of an employee's job responsibilities remain the property of the College.

The College will apply for copyrights and patents when deemed appropriate by the President. Employees will be expected to cooperate in the College's efforts.

In the event that an employee produces items described above partly on his/her own time and partly on College time, the College reserves the right to claim full ownership. The employee, however, may petition the College for assignment of copyright or patent rights. Employees will not attempt to copyright or patent such items without the knowledge and consent of the President.

END OF POLICY

Legal Reference(s):

[ORS 332.745](#)

Copyrights, 17 U.S.C. §§ 101- 1332; 19 C.F.R. Part 133 (2006).
Patents, 35 U.S.C. §§ 1-376 (2006).

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 (2006).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2006).

Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2006).

Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2006).

Rehabilitation Act of 1973, 29 U.S.C. §§ 503, 791, 793-794 (2006).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2006).

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).

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.