

# Clackamas Community College

Code: **GAB**  
Adopted: 8/03/94  
Readopted: 12/14/11  
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~~ **their** 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

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### Legal Reference(s):

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

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 (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.

### Cross Reference(s):

ACA - Americans with Disabilities Act

## Equal Employment Opportunity

Equal employment opportunity and treatment shall be practiced by the College regardless of race, color, national origin, religion, sex, sexual orientation<sup>1</sup>, age, disability, veterans' status<sup>2</sup>, 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~~ College 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

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<sup>1</sup>“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.

<sup>2</sup>The community college grants a preference in hiring and promotion to veterans and disabled veterans. A veteran is eligible to use the preference any time when applying for a position at any time after discharge or release from service in the Armed Forces of the United States.

**Legal Reference(s):**

[ORS 174.100](#)  
[ORS 192.630](#)  
[ORS 243.672](#)  
[ORS 341.290\(1\)](#)  
[ORS 408.225](#)  
[ORS 408.230](#)  
[ORS 408.235](#)  
[ORS 659.805](#)  
[ORS 659.850](#)  
[ORS 659.870](#)  
[ORS 659A.003](#)  
[ORS 659A.006](#)

[ORS 659A.009](#)  
[ORS 659A.029](#)  
[ORS 659A.030](#)  
[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.409](#)

[OAR 589-008-0100\(1\)\(j\)](#)  
[OAR 589-010-0100](#)  
[OAR 839-003-0000](#)  
[OAR 839-006-0435](#)  
[OAR 839-006-0440](#)  
[OAR 839-006-0445](#)  
[OAR 839-006-0450](#)  
[OAR 839-006-0455](#)  
[OAR 839-006-0460](#)  
[OAR 839-006-0465](#)

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.

**Cross Reference(s):**

AC - Nondiscrimination  
ACA - Americans with Disabilities Act

## 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

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**Legal Reference(s):**

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

# Oregon School Boards Association Selected CC Sample Policy

Code: **GBC**  
Adopted:

## Staff Ethics

### I. Conflict of Interest

No College employee will use ~~his/her~~ **their** 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 members 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~~ **their** regular working hours or during the additional time that ~~he/she~~ they 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~~ **their** supervisor in writing of the nature of the conflict and request that the supervisor dispose of the matter giving rise to the conflict.

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 member of the household, unless he/she they complies comply 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 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. 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. [Employees who are members of the same family may not be assigned to work in the same department except by the President's approval.]

In the *conflict of interest* context:

a- "Member of household" means any person who resides with the employee, and

"Relative" means: 1. The employee's spouse<sup>1</sup>, parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law of the employee; or 2. The spouse of the employee's parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law of the spouse of the employee. Relative also includes any individual for whom the employee has a legal support obligation, whose employment provides benefits<sup>2</sup> to the employee, or who receives any benefit from the employee's public employment.

## 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.

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.

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<sup>1</sup>The term spouse includes domestic partner.

<sup>2</sup>Examples of benefits may include, but not be limited to, elements of an official compensation package including benefits such as insurance, tuition or retirement allotments.

~~1. “Relative” means: a. The employee’s spouse<sup>3</sup>, parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law of the employee; or b. The spouse of the employee’s parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law of the spouse of the employee. Relative also includes any individual for whom the employee has a legal support obligation, whose employment provides benefits<sup>4</sup> to the employee, or who receives any benefit from the employee’s public employment.~~

~~2. “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

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<sup>3</sup>Ibid. p. 2

<sup>4</sup>Ibid. p. 2

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" to the employee 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) Nonprofit 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 relative or member of the household 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

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### Legal Reference(s):

[ORS 244.010](#) to -244.400  
[ORS 332.016](#)

[ORS 659A.309](#)  
[OAR 199-005-00030001](#) to -199-020-

0020  
[OAR 584-020-0040](#)

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

## Mother Friendly Workplace

The College recognizes that a normal and important role for mothers is to have the option and ability to provide for their child by breast feeding or expressing milk in the workplace. The Board directs the President to take measures and develop regulations to ensure that all College employees shall be provided with an adequate location for the expression of milk or breast feeding.

The President shall see that the College makes a reasonable effort to provide a room or other location in close proximity to **the employee's** work areas, other than a restroom, where an employee can breast-feed her child or express milk in privacy. This policy directs the President to include the following in the development of a regulation to ensure the provisions for employees required by this policy.

1. The plan shall include an accessible, private room with a lock that would allow a mother:
  - a. To breast-feed a child brought in during a lunch or other break period; and/or
  - b. To pump breast milk to be stored for later use.
2. The room shall include:
  - a. Electrical outlets for electric pumps;
  - b. Sanitation facilities including a sink close by, for hand washing and the rinsing of containers; and
  - c. A sign-up sheet and a sign posting the room as "private during use."

A reasonable effort will be made to provide a flexible work schedule in consideration of the requirements of the staff member's responsibility.

The College shall provide the employee a 30-minute rest period to breast-feed or express milk during each four-hour work period, or the major part of a four-hour work period, to be taken by the employee approximately in the middle of the work period.<sup>1</sup> If feasible, the employee will take the rest period at the same time as the rest periods or meal periods provided by the College.

**This policy and a list of designated locations will be published. A list of designated locations must be readily available, upon request, in the main office of each community college campus and at the community college Human Resources office.**

END OF POLICY

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<sup>1</sup>Community colleges should refer to their collective bargaining agreements to determine if the "rest period" is paid, nonpaid or a combination.

**Legal Reference(s):**

[ORS 243.650](#)

[ORS 653.077](#)

[ORS 653.256](#)

[OAR 839-020-0051](#)

**HIV Infection or 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 ~~or AIDS~~.

Consistent with current medical evidence that AIDS is not ~~transmittable~~ ~~transmissible~~ through casual work or campus contact, the Board hereby declares the following statements, relating to students or staff members infected with ~~HIV, including those 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~~ ~~HIV~~;
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, ~~HIV infection or AIDS or a related condition~~, will be provided with educational information in an attempt to allay ~~his/her~~ their fears. If the employee still refuses to work, that employee may be subject to disciplinary action up to and including dismissal.

END OF POLICY

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**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](#)

## Personnel Records

An official personnel record will be established for each person employed by the College and will be maintained by 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~~ their personnel ~~file~~ record 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~~ their 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~~ their 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.

END OF POLICY

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**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; 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.

**Cross Reference(s):**

ACA - Americans with Disabilities Act

## Staff Complaints and Appeals

It is an unlawful employment practice for an employer to discharge, demote, suspend or in any manner discriminate or retaliate against an employee with regard to promotion, compensation or other terms, conditions or privileges of employment for the reason that the employee has in good faith reported information in a manner as to disclose employer violations of any federal or state law, rule or regulation, mismanagement, gross waste of funds, abuse of authority, or substantial and specific danger to public health and safety.

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

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### Legal Reference(s):

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

[ORS 659A.199](#)

[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).



# Oregon School Boards Association Selected CC Sample Policy

Code: **GBMA**  
Adopted:

## Whistleblower \*

When an employee has good faith and reasonable belief the community college has violated any federal, state or local, law, rule or regulation; has engaged in mismanagement, gross waste of funds or abuse of authority; or created a substantial and specific danger to public health and safety by its actions, and an employee then discloses or plans to disclose such information, it is an unlawful employment practice for a community college to:

1. Discharge, demote, transfer, reassign or take disciplinary action against an employee or threaten any of the previous actions.
2. Withhold work or suspend an employee.
3. Discriminate or retaliate against an employee with regard to promotion, compensation or other terms, conditions or privileges of employment.
4. Direct an employee or to discourage an employee to not disclose or to give notice to the community college prior to making any disclosure.
5. Prohibit an employee from discussing, either specifically or generally, the activities of the state or any agency of or political subdivision in the state, or any person authorized to act on behalf of the state or any agency of or political subdivision in the state, with:
  - a. Any member of the Legislative assembly;
  - b. Any Legislative committee staff acting under the direction of any member of the Legislative assembly; or
  - c. Any member of the elected governing body of a political subdivision in the state or any elected auditor of a city, county or metropolitan service district.

If an employee discloses information in good faith and reasonable belief, then they have an affirmative defense to civil or criminal charges related to the employee's disclosure of lawfully accessed information related to the violation, including information that is exempt from disclosure by public records law.

The community college will use the complaint process in administrative regulation GBM-AR – Retaliation and Whistleblower Protection to address any alleged violations of this policy.

The community college shall deliver a written or electronic copy of this policy to each staff member.

END OF POLICY

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**Legal Reference(s):**

[ORS 192.501 to -192.505](#)

[ORS 659A.199 to -659A.224](#)

[OAR 581-022-1720](#)

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

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

PROPOSED

# Clackamas Community College

Code: **JFCH/JFCI**  
Adopted: 6/25/03  
Readopted: 5/09/12  
Orig. Code(s): 409

## Substance Abuse Use

~~The College is dedicated to maintaining standards resulting in quality education meeting the needs of students and the community. Recognizing the deleterious effect of substance abuse on students and staff, the College has established rules prohibiting the on-campus use of alcohol and other mind-altering drugs.~~

~~Exceptions may be made to serve alcoholic beverages at College Foundation sponsored events where the audience is not primarily students and with prior approval of the College president and notification of the Board.~~

The College will provide procedures covering each of the following areas as they pertain to use of alcohol, other drugs and tobacco:

1. Campus prohibition;
2. Educational programs;
3. Staff training;
4. Prevention programs;
5. Student assistance and/or referral program;
6. Staff assistance and/or referral program;
7. College and Foundation-sponsored events.
8. External rentals and events

All regulations and procedures will be in compliance with appropriate federal or state confidentiality regulations governing substance abuse issues for both students and staff.

END OF POLICY

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### Legal Reference(s):

[ORS 167.203 - 167.252](#)  
[ORS 341.290\(2\)](#)  
[ORS Chapter 475](#)

[OAR 589-006-0050](#)

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