

## **AP 3432 Workplace Harassment**

### **References:**

ORS 659A.370;  
ORS 659.375 ORS 243.319  
OAR-839-005-0030  
BP & AP 3430 Prohibition of Harassment  
AP 3435 Discrimination and Harassment Complaints and Investigations

The College is committed to a discrimination, harassment, and intimidation free workplace. Workplace harassment will not be tolerated. This procedure outlines the process for reporting complaints involving workplace harassment and the obligations of College in addressing those complaints.

Any student, employee, volunteer, intern, or other member of the campus community who believes that they have been harassed or retaliated against in the workplace in violation of College's Prohibition of Harassment policy should immediately report such incidents to designated officials by following the procedures described in AP 3435 Discrimination and Harassment Complaints and Investigations.

All college employees are advised to document in writing any incidents of workplace harassment they observe or that are reporting to them.

### **Prohibited Employment or Settlement Agreements**

The College will not require a former, current or prospective employee to enter into any agreement if the purpose or effect of the agreement prevents the employee from disclosing or discussing conduct constituting discrimination, harassment, or sexual assault.

An employee claiming to be aggrieved by discrimination, harassment, or sexual assault may, however, voluntarily request to enter into a settlement, separation, or severance agreement which contains a non-disclosure, non-disparagement, or no-rehire provision and will have at least seven days to revoke any such agreement. The College will not offer a settlement on the condition of a request for these terms.

### **Victims' Rights**

Nothing in the policy is intended to prohibit a victim of workplace harassment from voluntarily disclosing information regarding an incident of workplace harassment that involved the victim.

### **Resources**

Individuals who believe they are the victim of workplace harassment should contact the Human Resource Office for information related to legal resources, counseling and support services, including the employee assistance program.

**Retaliation**

Retaliation against anyone who files a complaint, participated in an investigation, or reported observing workplace harassment, is prohibited. Anyone who believes they have been retaliated against should report this behavior under the process outlined in AP 3435 Discrimination and Harassment Complaints and Investigations. Complaints of retaliation will be investigated promptly.

**Time Limitations**

Nothing in this policy precludes any person from filing a formal grievance in accordance with a collective bargaining agreement [if applicable], the Bureau of Labor and Industries' (BOLI) Civil Rights Division, or the Equal Employment Opportunity Commission. Note that Oregon state law requires that any legal action taken on alleged discriminatory conduct (specifically that prohibited by ORS 659A.030, 659A.082 or 659A.112) commence no later than five (5) years after the occurrence of the violation. Other applicable state and federal laws may have a shorter time limitation on filing.

**Policy Notification**

The College will make this policy and related procedures available to College employees in the workplace; provide a copy of the policy and procedures to each employee at the time of hire; and provide a copy of the policy and procedures to an employee at the time the employee discloses information regarding prohibited workplace harassment.

**Definitions**

**“Non-Disclosure Agreement”:** Non-disclosure agreement means an agreement between the employer and employee not to disclose information related to complaints or personal action related to violations of College’s Prohibition of Harassment policy.

**“Non-disparagement Agreement”:** Non-disparagement agreement means an agreement between the employee and employee not to make negative statements about the other related to complaints or personnel actions related to violations of this policy.

**“No-rehire Agreement”:** No-rehire agreement means an agreement that prohibits an employee from seeking reemployment with the college and allows the college to not rehire that individual in the future.

**“Sexual Assault”:** Sexual assault means unwanted conduct of a sexual nature that is inflicted upon a person or compelled through the use of physical force, manipulation, threat or intimidation.

**“Workplace”:** Workplace means when employees are on college premises, at a college-sponsored off-site event, traveling on behalf of the college, or conducting college business, regardless of location.

**“Workplace Harassment”:** Workplace harassment means conduct that constitutes discrimination prohibited by ORS 659A.030, including conduct that constitutes sexual assault or that constitutes conduct prohibited by ORS 659A.082 or 659A.112.

END OF PROCEDURE

**Joint Policies & Procedures Committee Approved:** January 22, 2025