

AP 3432 Workplace Harassment

References:

- ORS 659A;
- ORS 243
- 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 may not require, coerce, or enter into an agreement with an employee or prospective employee, as a condition of employment, continued employment, promotion, compensation or the receipt of benefits, that contains a nondisclosure provision, a non-disparagement provision or any other provision that has the purpose or effect of preventing the employee from disclosing or discussing conduct that:

- a) i) Constitutes discrimination prohibited by ORS 659A.030, including conduct that constitutes sexual assault; or
- ii) Constitutes discrimination prohibited by ORS 659A.082 or 659A.112; and
- b) i) Occurred between employees or between the College and an employee in the workplace or at a work-related event that is off the College premises and coordinated by or through the College; or
- ii) Occurred between the College and an employee off the College premises.

Exceptions: The College may enter into a settlement, separation or severance agreement that includes one or more of the following, only when an employee claiming to be aggrieved by conduct described above as workplace harassment requests to enter into the agreement:

- a) A provision described above;
- b) A provision that prevents the disclosure of factual information relating to a claim of discrimination or conduct that constitutes sexual assault; or

- c) A no-rehire provision that prohibits the employee from seeing re-employment with the College as a term or condition of the agreement.

An agreement entered into under this exception must provide the employee at least seven days after executing the agreement to revoke the agreement. The agreement may not become effective until after the revocation period has expired.

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 Chief Human Resource Officer 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.

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.

“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 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

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