

**SEXUAL HARASSMENT POLICY**

ARTICLE NUMBER: 322

LAST APPROVED: June 2, 2008, May 2, 2016, March 5, 2018

REFERENCE: ORS 342.700; 342.704

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OVERVIEW

Tillamook Bay Community College recognizes sexual harassment as a form of sex discrimination under federal and state law.

It is the policy of Tillamook Bay Community College that all employees and students enjoy a positive and productive work and learning environment, free from all forms of discrimination, including sexual harassment. Any employee found to be sexually harassing any other employee or student will be subject to disciplinary action up to and including dismissal.

DEFINITION OF SEXUAL HARASSMENT: 322.1

Unwelcome conduct of a sexual nature, such as sexual advances, requests for sexual favors or other verbal, nonverbal, or physical conduct of a sexual nature. Sexual violence is a form of sexual harassment and refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. Gender-based harassment refers to unwelcome conduct based on an individual's actual or perceived sex, including harassment based on gender identity or nonconformity with sex stereotypes, and not involving conduct of a sexual nature. All of these types of sex-based harassment are forms of sex discrimination. Sexual harassment exists when:

- A. Such conduct is of such frequency and/or severity that it has the effect of unreasonably interfering with an individual's work or academic performance to an objectively unreasonable level or creating a work or learning environment that is objectively intimidating, hostile or offensive; or
- B. The offender is attempting to compel or induce a specific person or persons to engage in or experience sexual conduct from which he/she has a legal right to abstain and has an objectively reasonable fear that negative personal consequences will occur if such conduct is not undertaken or tolerated.
- C. Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment or academic advancement; or
- D. Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting such individual.

Examples of conduct that could rise to the level of sexual harassment if the standards of A, B, C, or D are met may include, but are not limited to:

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- a. Verbal harassment or abuse;
- b. Inappropriate touching, massaging or brushing against;
- c. Demands and/or subtle pressure for sexual favors;
- d. Jokes or pranks about sex or gender traits;
- e. Whistling or obscene gestures;
- f. A male tells a female she looks "hot";
- g. A female tells a male he has a nice derriere;
- h. Discussion in mixed groups of recent sexual exploits;
- i. Sexually explicit photos in a work or learning area.

**EMPLOYEE OR STUDENT ACTION: 322.2**

A report of sexual harassment may be made at any time, but preferably as close in time to the incident as possible. It is recommended that an employee or student who feels he/she is subjected to harassment:

- A. Tell the offender to stop. Say it firmly, without smiling or apologizing. It is not required that a complaint be made to the alleged harasser.
- B. Keep a diary or log of what is happening to you. Include direct quotes, any witnesses, or patterns to the harassment. Save any notes or letters sent to you by the alleged harasser; or
- C. Report the complaint to the Director of Facilities, Safety and Human Resources. Employees or students may opt to ask their supervisor or another administrator for assistance with this process.

Employees or students have the right to file a formal complaint with the Civil Rights Division of the Bureau of Labor and Industries.

**DISTRICT ACTION: 322.3**

Once a complaint is filed with the Director of Human Resources, an investigation will begin, including:

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- A. The complainant will be interviewed;
- B. The alleged harasser will be interviewed;
- C. Witnesses may be contacted as well as others who may have information.

All interviews will be documented. The interview may be recorded to ensure accuracy as well as documented in writing. Interviews will be conducted individually and confidentially and may be conducted with the assistance of a second confidential employee of the College. The College will not tolerate any form of retaliation from the alleged harasser. The College will keep the information confidential except as otherwise requested by law.

Once the investigation is completed, written responses to both parties will be drafted stating that:

- A. The allegations remain unproven; or
- B. Sexual harassment has occurred; the harasser will be subject to corrective and/or disciplinary action up to and including dismissal or expulsion.