

**BOARD OF EDUCATION
UMPQUA COMMUNITY COLLEGE
DOUGLAS COUNTY, OREGON**

Information Item

Action Item

Subject: First Reading of Board Policies

Date: May 10, 2023

The following policies are coming to the Board for a first reading:

POLICY #	TITLE	PAGE #
3430	Prohibition of Discrimination, Harassment including Sexual Harassment and Sexual Assault, and Retaliation	1-10
4021	Academic Program Creation, Modification, and Deletion	11-13
5015	Residence Determination	14-15

Recommendation by:

Approved for Consideration:



POLICY / ADMINISTRATIVE PROCEDURE REVISION FORM

Complete for Revisions Only

TITLE:	Prohibition of Discrimination, Harassment including Sexual Harassment and Sexual Assault , and Retaliation		
New BP #:	3430	Old BP #:	3430
New AP #:		Old AP #:	
Revision Date:			

CURRENT POLICY / PROCEDURE	PROPOSED POLICY / PROCEDURE
<p>The College desires to build a community of equitable opportunity, to foster a climate of acceptance, and to be inclusive of individuals from a wide variety of backgrounds. Diversity in the academic environment fosters cultural awareness, mutual understanding, respect, and suitable role models for all students. The College is committed to promoting the total realization of equal employment and educational opportunities.</p> <p>In order to facilitate and ensure compliance with this policy:</p> <ul style="list-style-type: none"> • The College will undertake education and training to raise awareness regarding the prohibitions and protections under this policy and prevent incidents of discrimination, harassment or retaliation in the College community. • This policy and the related procedures shall be publicized and made available to all students, employees and other covered individuals, including at the time of hiring new employees, and at the time any covered individual makes a complaint or expresses concerns about a violation of these policies. <p>A. APPLICATION</p> <p>1. The prohibitions and protections in this Policy apply to all employees, volunteers, interns and</p>	<p>The College expects all community members to work and/or be educated in an environment where individual dignity is respected. All individuals covered by this policy shall accomplish their work or educational pursuits in an appropriate manner with concern for their coworkers, fellow students, and others with whom they come into contact in the College community.</p> <p>DISCRIMINATION and HARASSMENT INCLUDING SEXUAL HARASSMENT/SEXUAL ASSAULT PROHIBITED</p> <p>The college prohibits unlawful discrimination based on race, ethnicity, color, religion, gender, pregnancy, sexual orientation, gender identity or expression, national origin, age, mental or physical disability, uniformed/military service or veteran’s status, use of the worker’s compensation system, expunged juvenile records, genetics, or any other protected status or activity in accordance with applicable law. Discrimination can be intentional or unintentional when conduct:</p> <p>a. Excludes an individual from participation in any college program or activity for which they are otherwise eligible; or</p>

elected officials of the College (“covered individuals”) in accordance with applicable laws, including state and federal equal employment laws. The policy also applies to discrimination, harassment and retaliation by a student toward a covered individual, or by a covered individual toward a student. However, different procedures apply under the Student Code of Conduct to complaints by a student against another student.

2. Complaints or concerns regarding sexual harassment under Title IX, including “quid pro quo” harassment, sexual assault, dating violence, domestic violence, and stalking, are governed by BP 3433 and the procedures in AP 3433 and AP 3434. Please also refer to the Title IX page on the College’s website for additional information.

B. DISCRIMINATION PROHIBITED

1. It is the College’s policy to provide equal employment opportunities and equal educational opportunities to all qualified persons without regard to race, color, religion, gender, pregnancy, sexual orientation, gender identity, national origin, age, mental or physical disability, uniformed/military service or veteran’s status, use of the worker’s compensation system, expunged juvenile records, or any other protected status or activity in accordance with applicable law. The College will make decisions regarding employment, internships, and volunteer selection, as well as student admissions and academic opportunities, based on its evaluation of an individual’s qualifications and other lawful and appropriate considerations.

C. HARASSMENT PROHIBITED

1. It is also the College’s policy that its employees, students, volunteers, interns and elected officials should work and/or be educated in an environment where individual dignity is respected. For that reason, we expect all individuals covered by this policy to accomplish their work or educational pursuits in an appropriate manner with concern for their coworkers, fellow students, and others with

- b. Denies the individual the benefits of a college program or activity for which they are otherwise eligible; or
- c. Otherwise adversely affects a term or condition of an individual’s employment, education, or participation in a college program or activity.
- d. The failure to provide reasonable accommodations required by law or college policy based on disability, pregnancy or religious practice may constitute discrimination.

Harassment is a form of discrimination and includes any conduct that is unwelcome and sufficiently severe or pervasive that unreasonably hinders or prevents a person from doing their job or receiving their education. Full definitions with examples defined in AP 3430.

RETALIATION PROHIBITED

The College respects the rights of its employees, students, and other covered individuals to raise harassment and discrimination concerns and expects all members of the College community to cooperate in investigations of such concerns. The College does not permit employees, students or others in the College community to retaliate against individuals because they engaged in protected activity such as reporting harassment or discrimination, participating in investigations, testifying in official proceedings, or otherwise assisting in enforcement of our policies against discrimination and harassment. This type of retaliation is unlawful and will not be tolerated. "Retaliation" is broadly construed and may include on-duty or off-duty conduct.

APPLICATION

1. The prohibitions and protections in this Policy apply to all campus community members (“covered individuals”) in accordance with applicable laws, including state and federal equal employment laws. The policy also applies to discrimination, any types of harassment, and retaliation by a student toward a covered individual, or by a covered individual toward a student. However, different procedures apply under the Student Code of Conduct for

whom they come into contact in the College community.

2. Additionally, any conduct that could reasonably be viewed as harassment by or toward employees, students, volunteers, interns, or elected officials is prohibited and will not be tolerated. The College also does not permit visitors or others on College premises to engage in conduct that could reasonably be viewed as harassment of our employees, students, volunteers, interns or elected officials.

3. Specifically forbidden is conduct related to an individual's race, color, national origin, ancestry or ethnic background, religion, sex, sexual orientation, gender identity, mental or physical disability, age, veteran status, marital status, or other legally protected status or activity. For specific examples of the kinds of conduct prohibited by this policy, see AP 3432.

D. RETALIATION PROHIBITED

1. The College respects the rights of its employees, students and other covered individuals to raise harassment and discrimination concerns, and expects all members of the College community to cooperate in investigations of such concerns. The College does not permit employees, students or others in the College community to retaliate against individuals because they engaged in protected activity such as reporting harassment or discrimination, participating in investigations, testifying in official proceedings, or otherwise assisting in enforcement of our policies against discrimination and harassment. This type of

retaliation is unlawful and will not be tolerated. "Retaliation" is broadly construed and may include on-duty or off-duty conduct. For specific examples of the kinds of conduct that may constitute prohibited retaliation, see AP 3432.

E. REPORTING DISCRIMINATION, HARASSMENT OR RETALIATION

1. Covered individuals (employee, volunteer, intern or elected official of the College) who believe that they have been subjected to

complaints by a covered individual against a student, or a student against another student (See BP/AP 5500 series).

2. Complaints or concerns regarding sexual harassment under Title IX, including "quid pro quo" harassment, sexual assault, dating violence, domestic violence, and stalking, are governed by BP 3433 and the procedures in AP 3433 and AP 3434. Please also refer to the Title IX page on the College's website for additional information.

3. The College does not permit visitors, service providers, or others on College premises to engage in conduct that could reasonably be viewed as discrimination or any type of harassment of our campus community members.

REPORTING, INVESTIGATION, SANCTIONS

All persons who believe they have been subjected to discrimination, any type of harassment, or retaliation by a covered individual are strongly encouraged to report as soon as possible so the College can take appropriate corrective and preventive actions. Supervisors and managers are mandated to report all concerns or complaints of any type of harassment or retaliation that come to their attention.

Complaints against students will follow investigation procedures outlined in AP 5520, Student Discipline. Complaints against all other covered community members will follow AP 3430 and within any applicable Collective Bargaining Agreement.

Sanctions will also follow the applicable Administrative Procedure and could include up to termination (employees) or expulsion (students).

External reporting options are also available and outlined in AP 5535 for students and AP 3430 for all other covered individuals.

discrimination, harassment or retaliation in violation of this policy, or that another individual in the College community has been subjected to this conduct, is expected to immediately report such incidents to the Human Resources Director or alternate person as specified under the procedures in AP 3432. The College is only able to take appropriate corrective and preventive action if concerns regarding these actions are brought to our attention. Supervisors and managers are mandated to report all concerns or complaints of harassment or retaliation that come to their attention.

2. Students who believe they have been subjected to discrimination, harassment or retaliation by a covered individual are also strongly encouraged to report the conduct by contacting the Compliance Officer. If the Compliance Officer is not available, the report should be made to the Director of Human Resources.

3. NOTE: As stated above, complaints and concerns regarding sexual harassment under Title IX, including quid pro quo harassment, sexual assault, dating violence, domestic violence, or stalking are governed by BP 3433, AP 3433, and AP 3434.

F. INVESTIGATION OF COMPLAINTS AND CONCERNS REGARDING PROHIBITED

CONDUCT

1. Complaints or concerns regarding conduct prohibited by this policy will be promptly investigated. For additional information regarding investigation of complaints against employees, volunteers, interns or elected officials, you should refer to AP 3432. That administrative procedure also provides information regarding additional complaint processing options and remedies available to employees, volunteers, interns and elected officials through outside administrative agencies, or civil or criminal court proceedings.

2. Procedures applicable to complaints of prohibited conduct by a student against another

PREGNANCY AND DISABILITY

ACCOMMODATION

The College is also committed to complying fully with state and federal pregnancy and disability accommodation laws. Employees and interns with questions or needs regarding any accommodation should contact the Executive Director of Human Resources. Students with questions or needs regarding any accommodation should contact the Accessibility Services Coordinator.

EDUCATION

The College will undertake education and training to raise awareness regarding the prohibitions and protections under this policy and prevent incidents of discrimination, any type of harassment, or retaliation in the College community.

REFERENCES:

- Civil Rights Act of 1964, as amended
- Civil Rights Act of 1991;
- Pregnancy Discrimination Act of 1978
- Age Discrimination in Employment Act of 1967 (ADEA) as amended;
- Age Discrimination Act (1975)
- Americans with Disabilities Act of 1990 (ADA);
- ADA Amendments Act of 2008;
- Sections 503 and 504 of the Rehabilitation Act of 1973;
- Section 402 of the Vietnam Era Veterans Readjust Assistance Act (1974);
- Immigration Reform and Control Act of 1986;
- Genetic Information Nondiscrimination Act of 2008;
- 29 Code of Federal Regulations Part 1604.11 – Sexual Harassment Title IX of the Education Amendments of 1972 – 20 U.S. Code Sections 1681, et seq.; 34 Code of Federal Regulations Parts 106.1 et seq.;
- Equal Pay Act of 1963
- Oregon HB 3415
- ORS 659A
- ORS 243

RESPONSIBILITY:

student are addressed in the Student Code of Conduct. See BP 5500 and the related administrative procedures.

G. SANCTIONS FOR VIOLATIONS OF THIS POLICY

1. When a violation of this policy has occurred, the College will take whatever corrective action it deems appropriate to ensure that there is no recurrence of the conduct, which may include the following:

a. Employees who are found to have violated this policy, or Administrative Procedure 3432, will be subject to disciplinary action up to and including termination of employment.

b. Volunteers and interns who are found to be in violation will be subject to termination of their volunteer status or internship

c. Students who are found to be in violation will be subject to disciplinary measures up to and including expulsion.

H. PREGNANCY AND DISABILITY ACCOMMODATION

1. The College is also committed to complying fully with state and federal pregnancy and disability accommodation laws. Employees and interns with questions or needs regarding accommodations should contact the Director of Human Resources. Students with questions or needs regarding accommodations should contact the Director of Disability Services.

I. POSTING OF POLICY AND PROCEDURES

1. This policy and the applicable administrative procedures shall be posted on the Human Resources section of the College's website.

REFERENCES:

- Title VII of the Civil Rights Act of 1964, 42 U.S. Code Section 2000e-2
- Age Discrimination in Employment Act of 1967 (ADEA);
- Americans with Disabilities Act of 1990 (ADA);

The Executive Director of Human Resources is responsible for implementing and updating this policy. Specific guidance for policy implementation may be found in the associated Administrative Procedure(s).

NEXT REVIEW DATE:

DATE OF ADOPTION: 11/12/2020

DATE(S) OF REVISION: 3/10/2021

DATE(S) OF PRIOR REVIEW:

• 29 Code of Federal Regulations Part 1604.11 – Sexual Harassment Title IX of the Education Amendments of 1972 – 20 U.S. Code Sections 1681, et seq.; 34 Code of Federal Regulations Parts 106.1 et seq.;

• ORS 659A

• ORS 243

RESPONSIBILITY:

The Director of Human Resources is responsible for implementing and updating this

policy. Specific guidance for policy implementation may be found in the associated

Administrative Procedure(s).

NEXT REVIEW DATE:

DATE OF ADOPTION: 11/12/2020

DATE(S) OF REVISION: 3/10/2021

DATE(S) OF PRIOR REVIEW:



UMPQUA
Community College

BOARD POLICY

TITLE: Prohibition of Discrimination, Harassment including Sexual Harassment and Sexual Assault, and Retaliation

BOARD POLICY # 3430

The College expects all community members to work and/or be educated in an environment where individual dignity is respected. All individuals covered by this policy shall accomplish their work or educational pursuits in an appropriate manner with concern for their coworkers, fellow students, and others with whom they come into contact in the College community.

A. DISCRIMINATION and HARASSMENT INCLUDING SEXUAL HARASSMENT/SEXUAL ASSAULT PROHIBITED

The college prohibits unlawful discrimination based on race, ethnicity, color, religion, gender, pregnancy, sexual orientation, gender identity or expression, national origin, age, mental or physical disability, uniformed/military service or veteran's status, use of the worker's compensation system, expunged juvenile records, genetics, or any other protected status or activity in accordance with applicable law. Discrimination can be intentional or unintentional when conduct:

1. Excludes an individual from participation in any college program or activity for which they are otherwise eligible; or
2. Denies the individual the benefits of a college program or activity for which they are otherwise eligible; or
3. Otherwise adversely affects a term or condition of an individual's employment, education, or participation in a college program or activity.
4. The failure to provide reasonable accommodations required by law or college policy based on disability, pregnancy or religious practice may constitute discrimination.

Harassment is a form of discrimination and includes any conduct that is unwelcome and sufficiently severe or pervasive that unreasonably hinders or prevents a person from doing their job or receiving their education. Full definitions with examples defined in AP 3430.

B. RETALIATION PROHIBITED

The College respects the rights of its employees, students, and other covered individuals to raise harassment and discrimination concerns and expects all members of the College community to cooperate in investigations of such concerns. The College does not permit employees, students or others in the College community to retaliate against individuals because they engaged in protected activity such as reporting harassment or discrimination, participating in investigations, testifying in official proceedings, or otherwise assisting in enforcement of our policies against discrimination and harassment. This type of retaliation is unlawful and will not be tolerated. "Retaliation" is broadly construed and may include on-duty or off-duty conduct.

C. APPLICATION

1. The prohibitions and protections in this Policy apply to all campus community members ("covered individuals") in accordance with applicable laws, including state and federal equal employment laws. The policy also applies to discrimination, any types of harassment, and retaliation by a student toward a covered individual, or by a covered individual toward a student. However, different procedures apply under the Student Code of Conduct for complaints by a covered individual against a student, or a student against another student (See BP/AP 5500 series).
2. Complaints or concerns regarding sexual harassment under Title IX, including "quid pro quo" harassment, sexual assault, dating violence, domestic violence, and stalking, are governed by BP 3433 and the procedures in AP 3433 and AP 3434. Please also refer to the Title IX page on the College's website for additional information.
3. The College does not permit visitors, service providers, or others on College premises to engage in conduct that could reasonably be viewed as discrimination or any type of harassment of our campus community members.

D. REPORTING, INVESTIGATION, SANCTIONS

1. All persons who believe they have been subjected to discrimination, any type of harassment, or retaliation by a covered individual are strongly encouraged to report as soon as possible so the College can take appropriate corrective and preventive actions. Supervisors and managers are mandated to report all concerns or complaints of any type of harassment or retaliation that come to their attention.
2. Complaints against students will follow investigation procedures outlined in AP 5520, Student Discipline. Complaints against all other covered community members will follow AP 3430 and within any applicable Collective Bargaining Agreement.

3. Sanctions will also follow the applicable Administrative Procedure and could include up to termination (employees) or expulsion (students).
4. External reporting options are also available and outlined in AP 5535 for students and AP 3430 for all other covered individuals.

E. PREGNANCY AND DISABILITY ACCOMMODATION

The College is also committed to complying fully with state and federal pregnancy and disability accommodation laws. Employees and interns with questions or needs regarding any accommodation should contact the Executive Director of Human Resources. Students with questions or needs regarding any accommodation should contact the Accessibility Services Coordinator.

F. EDUCATION

The College will undertake education and training to raise awareness regarding the prohibitions and protections under this policy and prevent incidents of discrimination, any type of harassment, or retaliation in the College community.

REFERENCES:

- Civil Rights Act of 1964, as amended
- Civil Rights Act of 1991;
- Pregnancy Discrimination Act of 1978
- Age Discrimination in Employment Act of 1967 (ADEA) as amended;
- Age Discrimination Act (1975)
- Americans with Disabilities Act of 1990 (ADA);
- ADA Amendments Act of 2008;
- Sections 503 and 504 of the Rehabilitation Act of 1973;
- Section 402 of the Vietnam Era Veterans Readjust Assistance Act (1974);
- Immigration Reform and Control Act of 1986;
- Genetic Information Nondiscrimination Act of 2008;
- 29 Code of Federal Regulations Part 1604.11 – Sexual Harassment Title IX of the
- Education Amendments of 1972 – 20 U.S. Code Sections 1681, et seq.; 34 Code of Federal Regulations Parts 106.1 et seq.;
- Equal Pay Act of 1963
- Oregon HB 3415
- ORS 659A
- ORS 243

RESPONSIBILITY:

The Executive Director of Human Resources is responsible for implementing and updating this policy. Specific guidance for policy implementation may be found in the associated Administrative Procedure(s).

NEXT REVIEW DATE:

DATE OF ADOPTION: 11/12/2020

DATE(S) OF REVISION: 3/10/2021

DATE(S) OF PRIOR REVIEW:



POLICY REVISION TEMPLATE

TITLE: ACADEMIC PROGRAM CREATION, MODIFICATION, AND DELETION	AREAS OF COLLABORATION: <i>Please indicate consultations with other departments and/or individuals that may be affected by the recommendation.</i>
BP #: 4021	
AP #:	
Date: 3-1-2023	

EXISTING POLICY / PROCEDURE	PROPOSED POLICY / PROCEDURE
<p>A. An academic program is defined as the formal credit-bearing course of study necessary to qualify for a certificate or degree, or the formal credit-bearing course of study for general education. Not included in this definition are Continuing Education and Workforce Development courses and certificates, adult basic skills, and ESL.</p> <p>B. The authority to create, modify, or delete an academic program rests with the College president or designee. Decisions regarding initiating, significantly modifying (i.e, modifications that need HECC approval), or discontinuing a program require Board of Education approval.</p> <p>C. Faculty and administrators shall be involved in the process to create, modify, or delete a program before a final decision is made by the president to present to the Board. This policy's associated procedures provide requirements for the processes.</p> <p>D. The deletion of a program may have significant consequences for faculty, staff, and students. Such a decision must be consistent with contractual obligations of the UCCFA and ACEUCC contracts. Consideration of student interests must be consistent with</p>	<p>An academic program is defined as the formal credit-bearing course of study necessary to qualify for a certificate or degree, or the formal credit-bearing course of study for general education. Not included in this definition are Continuing Education and Workforce Development courses and certificates, adult basic skills, and English Speakers of Other Languages (ESOL).</p> <p>New program initiatives, program modifications, and program deletions follow the approval process as outlined in the associated administrative procedure (AP #4021).</p> <p>RESPONSIBILITY: The Chief Academic Officer is responsible for implementing and updating this policy.</p>

EXISTING POLICY / PROCEDURE	PROPOSED POLICY / PROCEDURE
<p>HECC/Oregon requirements to provide an orderly, phased transition for students. Any decision must be preceded by program review and reasonable remediation efforts.</p> <p>E. Creation, modification, and deletion of programs must consider the following factors:</p> <ol style="list-style-type: none"> 1. The need for the program 2. The program's relationship to the mission of the College 3. Community and student needs addressed by the program 4. The relationship of the program to other programs at the College 5. Program quality and effectiveness 6. Factors and dynamics impacting enrollment and retention of students in the program 7. Availability of resources to sustain the program at an acceptable level of academic quality 8. The effect of the program on institutional effectiveness <p>REFERENCES:</p> <p>RESPONSIBILITY: The Chief Academic Officer is responsible for implementing and updating this policy. Specific guidance for policy implementation may be found in the associated Administrative Procedure(s).</p>	



BOARD POLICY

TITLE: ACADEMIC PROGRAM CREATION, MODIFICATION, AND DELETION
BOARD POLICY # 4021

An academic program is defined as the formal credit-bearing course of study necessary to qualify for a certificate or degree, or the formal credit-bearing course of study for general education. Not included in this definition are Continuing Education and Workforce Development courses and certificates, adult basic skills, and English Speakers of Other Languages (ESOL).

New program initiatives, program modifications, and program deletions follow the approval process as outlined in the associated administrative procedure (AP #4021).

RESPONSIBILITY:

The Chief Academic Officer is responsible for implementing and updating this policy. Specific guidance for policy implementation may be found in the associated Administrative Procedure(s).

NEXT REVIEW DATE:
DATE OF ADOPTION: 4/14/2021
DATE(S) OF REVISION:
DATE(S) OF PRIOR REVIEW:



POLICY / ADMINISTRATIVE PROCEDURE REVISION TEMPLATE

TITLE: Residence Determination	AREAS OF COLLABORATION: <i>Please indicate consultations with other departments and/or individuals that may be affected by the recommendation.</i>
BP #: 5015	
AP #:	
Date: 5/3/2023	

EXISTING POLICY / PROCEDURE	PROPOSED POLICY / PROCEDURE
<p>A. Determination of residence for tuition purposes will be made initially during the admissions process.</p> <p>B. In-state tuition is charged to students who:</p> <ol style="list-style-type: none"> 1. Have maintained permanent residency in Oregon for at least 90 continuous days immediately preceding the first day of the term the student begins classes. 2. Per Oregon Administrative Rules, are residents of Washington, Idaho, Nevada, or California. 3. Have provided documentation of tribal membership of one of the federally recognized tribes of Oregon, 4. Are veterans of the Armed Forces whose service release has occurred within 90 days preceding the term, and who permanent residence has not been established elsewhere through residency or college attendance. <p>C. In addition, certain programs may be approved to offer in-state tuition to qualified students. A student previously classified as a non-resident, may be reclassified as of any residence determination date. Students not meeting the requirements outlined above pay out-of-state tuition charges. International students pay international tuition rates</p> <p>RESPONSIBILITY:</p> <p>The Vice President of Student Services is responsible for implementing and updating this policy. Specific guidance for policy implementation may be found in the associated Administrative Procedure(s)</p>	<p>A. Initial determination of residence will be made during the admissions process.</p> <p>B. A student previously classified as a non-resident may be automatically reclassified as of any residence determination date.</p> <p>C. All students will be assessed the tuition rate set by the Board of Education.</p> <p>REFERENCES:</p> <p>ORS 341.487</p> <p>RESPONSIBILITY:</p> <p>The Vice President of Student Services is responsible for implementing and updating this policy. Specific guidance for policy implementation may be found in the associated Administrative Procedure(s).</p>



BOARD POLICY

TITLE: RESIDENCE DETERMINATION

BOARD POLICY # 5015

- A. Initial determination of residence will be made during the admissions process.
- B. A student previously classified as a non-resident may be automatically reclassified as of any residence determination date.
- C. All students will be assessed the tuition rate set by the Board of Education.

REFERENCE: ORS 341.487

RESPONSIBILITY:

The Vice President of Student Services is responsible for implementing and updating this policy. Specific guidance for policy implementation may be found in the associated Administrative Procedure(s).

NEXT REVIEW DATE:

DATE OF ADOPTION: 2/12/2020

DATE(S) OF REVISION: 6/8/2022

DATE(S) OF PRIOR REVIEW: