

**BOARD POLICY SERIES NUMBER: 1050**

**TITLE: SEXUAL HARASSMENT/SEXUAL ASSAULT**

Linn-Benton Community College wishes to maintain a place of learning and work free of sexual harassment. The college prohibits sexual harassment. Sexual assault is also prohibited by this policy and will result in sanctions under this policy if allegations are substantiated. Sexual assault is also a crime and may result in referrals to law enforcement officials. Sexual assault complaints shall be subject to the same college reporting protocols set out below for sexual harassment complaints, but victims of sexual assault are encouraged to contact law enforcement officials immediately after an assault.

Linn-Benton Community College's policy against sexual harassment will be actively enforced. The policy applies to all conduct on the college's premises and to all conduct off premises that has an effect upon an employee's work environment or a student's learning environment.

Sexual harassment is defined as "Any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature whereby:

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic success;
- B. Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions, such as promotion and benefits or grades affecting such individual; or
- C. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, or creating an intimidating, hostile, or offensive working or learning environment."

Sexual assault, for the purpose of this policy, shall include conduct that includes the material elements of sexual harassment set out above while also accompanied by touching or physical contact and force or threats of force.

Many alleged sexual harassment situations arise out of a "dating" or other personal relationship between employees of the same employer or between students and faculty, especially where one of the individuals has some supervisory or instructional responsibility over the other individual, or where both individuals work in the same department or work area. Personal relationships can create morale problems among other students or employees (such as concerns about favoritism) and also can cause very substantial work or learning-related problems if there is a "break up" of the relationship. While such relationships are not forbidden, they are discouraged, and no interference with work or learning at the college will be tolerated.

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The key element in sexual harassment is that the actions, words, conduct, etc. involved are unwelcome to the recipient and generally pervasive. If any Linn-Benton Community College employees or students believe they are the subject of sexual harassment, it is recommended they take personal responsibility to make sure the alleged harasser is told the activity or comments are not welcome and also take personal responsibility not to engage in conduct that reasonably leads another person to believe that sexual comments or innuendoes are enjoyed or encouraged.

Any employees or students who believe they have been subjected to sexual harassment by employees, including instructors/faculty or visitors, or employees who believe they have been subjected to sexual harassment by students, should report the alleged act(s) immediately to the Affirmative Action Officer (AAO) or a designee in Human Resources. Students who believe they have been subjected to sexual harassment by other students should report the alleged act immediately to the dean of Student Services, designee, or a counselor in the Counseling Department.

Any employee, supervisor, or manager who is made aware of an alleged incident of sexual harassment will take immediate action to bring the matter to the attention of the most appropriate management authority, who will take action pursuant to this policy. Only the AAO and dean of Student Services or their designees are authorized to investigate sexual harassment allegations. Sexual harassment between co-workers or co-students, neither one of which is in a supervisory capacity over the other, that the college has no knowledge of does not subject the college to any responsibility for addressing the problem or allow the college to take any remedial action. This is why it is important for all employees and students to utilize the complaint procedure specified in the administrative rules.

DATE OF ADOPTION: 05/12/83

DATE(S) OF REVISION(S): 07/21/93; 06/21/95; 04/15/98; 10/18/06