

4200 Prevention of Discrimination, Harassment and Retaliation

Effective Date: 7/22/2008 * Date Last Modified: 3/04/09

Policy Contact: Vice President, Human Resources

POLICY

It is the policy of Bellevue Community College (College) to provide a working and learning environment free from discrimination, harassment, or retaliation. This policy expressly prohibits conduct that discriminates against individuals or groups based on their race or ethnicity, color, national origin, sex, marital or family status, sexual orientation including gender identity or expression, age, religion, creed, disability, veteran status, or any other basis prohibited by federal, state, or local law.

This policy also prohibits retaliation directed at any individual who reports or files a claim of discrimination or harassment, or who participates in an investigation of a claim of discrimination or harassment. Any member of the college community who is found to have engaged in unlawful discrimination, harassment or retaliation is subject to appropriate corrective or disciplinary action in accordance with applicable college policies and collective bargaining agreements.

Scope of Policy

This policy prohibits discriminatory, harassing, or retaliatory conduct occurring on the College campus, in College facilities (including vehicles), and at any College-sponsored event or activity, whether on or off campus (such as social functions, athletic events, celebrations, conferences, etc.). Messages or communications sent or downloaded by an employee or student through the College's electronic or telephone communication systems are also subject to the College's anti-discrimination policies.

This policy does not alter or modify laws applicable to the legitimate exercise of academic freedom or constitutional rights.

Consequences of Policy Violations

Any member of the College community violating this policy may be subject to corrective or disciplinary action, up to and including dismissal. Any corrective action taken will be consistent with applicable collective bargaining agreements, college policies and procedures and/or state law.

Employees involved in complaint procedures are entitled to representation consistent with their collective bargaining agreements and in the absence of any such agreement, employees may bring a person of his or her choice to the initial and/or any subsequent meetings regarding the complaint.

Employees who are found to have engaged in discrimination, harassment, or retaliation, including administrators, managers or supervisors who are aware of situations but fail to report and/or mediate the situation may be held liable. The Attorney General is authorized to defend state employees only when they are acting in good faith within the scope of their official duties. Discriminatory, harassing, or retaliatory conduct in violation of this policy may be determined to be outside the scope of an employee's official duties. (RCW 28B.10.842, 844; RCW 4.92.060-075)

Reporting Discrimination, Harassment, or Retaliation

Responsibilities

Management: Administrators, managers and supervisors are responsible for providing a working and learning environment free from discrimination, harassment, and retaliation. It is the responsibility of administrators, managers and supervisors to:

- Take appropriate action to stop discriminatory, harassing, or retaliatory behavior by interceding and reporting it immediately to the Office of Human Resources in accordance with the College

discrimination complaint procedure;

- Address inappropriate behavior of co-workers, students and non-employees;
- Take discrimination, harassment, and retaliation concerns seriously;
- Monitor the work and learning environment for potential discrimination, harassment, and retaliation;
- Follow up on situations that have been addressed and be watchful for potential recurrence or retaliation.

Faculty: Faculty members are responsible to make strong efforts to provide a learning environment free from discrimination, harassment, and retaliation. It is the responsibility of faculty members to:

- Take discrimination, harassment, and retaliation concerns seriously in their learning environment;
- Monitor their learning environment for potential discrimination, harassment, and retaliation and address inappropriate behavior;
- Take appropriate action to stop discriminatory, harassing, or retaliatory behavior in their learning environment by interceding and reporting it immediately to the Office of Human Resources in accordance with the College discrimination complaint procedure;
- Follow up on situations in their learning environment that have been addressed and be watchful for potential recurrence or retaliation.

All Employees and Students: All employees (administrators, faculty and staff) and students are responsible for their own actions and for not engaging in behavior that is discriminatory, harassing, or retaliatory in nature, whether physical, verbal or non-verbal. It is the responsibility of employees and students to:

- Immediately report incidents of discrimination, harassment, or retaliation, whether directly involved or observed, to appropriate management and/or the Office of Human Resources, in accordance with the College discrimination complaint procedure;
- Cooperate fully with the institution's investigative and corrective procedures;
- Refrain from engaging in behavior that is or could be discriminatory, harassing, or retaliatory in nature, whether physical, verbal or non-verbal.

Non-Retaliation

Retaliation against anyone who makes a complaint or who cooperates with an investigation is prohibited. Any individual, who believes s/he has been retaliated against for reporting harassment or discrimination, or for participating in an investigation into a claim of harassment or discrimination, must report this concern to the Office of Human Resources.

Definitions

The following definitions are used for illustrative purposes only and are not intended either to limit or to expand the legal definition of discrimination. Examples provided are for illustrative purposes and are not meant to be comprehensive.

Discrimination

Definition: Discrimination in the workplace or learning environment involves taking an adverse action against or granting preferential treatment to an individual(s) in education or employment because of his/her protected status, i.e., race, ethnicity, color, national origin, sex, marital or family status, sexual orientation including gender identity or expression, age, religion, creed, disability, veteran status, or any other basis prohibited by federal, state, or local law.

Examples: The following are some examples of discriminatory actions. This is only a partial list, and other behaviors or actions may also constitute discrimination:

- Denying or granting in whole or in part a promotion or other advancement opportunities based on an individual's protected status;
- Granting preference in education or employment based on an individual's protected status;
- Assigning grades based on an individual's protected status;

- Making work assignments based on an individual's protected status;
- Denial of use of facilities or equipment based on an individual's protected status;
- Denial of leave, based on an individual's protected status.

Harassment

Definition: Harassment in the working or learning environment consists of unwelcome and objectively offensive conduct (including verbal conduct) that unreasonably interferes with an individual's work or educational activities or that creates an intimidating, hostile, or offensive working or learning environment. Specifically, such conduct is unlawful if it is directed at an individual because of his or her protected status. Objectively offensive conduct means that it must be offensive both to the recipient of the conduct and to a "reasonable person" in the recipient's circumstances. Usually, the conduct must also be either severe or pervasive in order to be unlawful.

Examples: The following are examples of some behaviors that could constitute unlawful harassment. This is only a partial list, and other behaviors may also constitute unlawful harassment:

- Verbal threats, offensive jokes, epithets, derogatory comments, name calling, ridicule or mockery, or slurs;
- Gratuitous visual displays such as derogatory posters, photographs, cartoons, drawings, or gestures;
- Unwanted physical contact or conduct such as touching, intimidation, or blocking normal movement;
- Retaliatory actions against an individual who reports harassment or threatens to report harassment.

Sexual Harassment

Definition: Sexual harassment is a form of sex discrimination that involves the inappropriate introduction of sexual activities or sexual comments in the working or learning environment. Applicable state and federal law defines sexual harassment as unwanted sexual advances, requests for sexual favors, or visual, verbal or physical conduct of a sexual nature when:

- Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment or education;
- Submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting that individual;
- Such conduct has the purpose or effect of unreasonably interfering with the individual's professional or educational performance or creating an intimidating, hostile, or offensive employment or educational environment.

Sexual harassment may involve relationships of unequal power and contains elements of coercion – as when compliance with requests for sexual favors becomes a criterion for granting work, study, or grading benefits. However, sexual harassment may also involve relationships among equals, as when repeated sexual advances or demeaning verbal behavior of a sexual nature have a harmful effect on an individual's ability to work or study. Sexual harassment in the workplace or in the classroom is unlawful whether it involves harassment between co-workers, harassment between individuals of the same gender, harassment between a manager and an employee, between a faculty member and a student, between students, or harassment between an employee and a vendor or a customer.

Examples: The following are some examples of behaviors that could constitute sexual harassment. This is only a partial list, and there are numerous other behaviors that may also be considered sexual harassment:

- Making unwanted sexual advances;
- Offering employment or academic benefits in exchange for sexual favors;
- Making or threatening reprisals after a negative response to sexual advances;
- Visual conduct such as leering, making sexual gestures;
- Gratuitous displays of sexually suggestive objects, pictures, cartoons, or posters;
- Engaging in verbal abuse of a sexual nature, graphic verbal commentary about an individual's body,

the use of sexually degrading words to describe an individual, suggestive or obscene letters, notes or invitations.

Retaliation

Definition: Retaliation is taking an adverse action against an individual because of an individual's participation in a protected activity, such as reporting concerns formally or informally regarding potential discrimination, harassment, or retaliation; or filing a formal or informal complaint regarding discrimination or harassment; or participating in an investigation of discrimination or harassment.

Examples: The following are examples of some actions or behaviors that could constitute retaliation if the actions are found to be motivated wholly or in part because of an individual's participation in a protected activity as described above. This is only a partial list and other actions or behaviors may also constitute retaliation:

- Poor performance review or grade because of an individual's having participated in a protected activity;
- Termination or expulsion from class because of an individual's having participated in a protected activity;
- Demotion or lack of promotion because of an individual's having participated in a protected activity;
- Withholding of special assignment or critical information because of an individual's having participated in a protected activity.

REVISION HISTORY

Original 7/22/2008

On 7/22/2008 replaced original policy 4200 General Policy on Sexual Harassment

RELEVANT LAWS AND REGULATIONS

Title VI and VII of the Civil Rights Act of 1964; Equal Pay Act of 1963 Age Discrimination in Employment Act of 1967 (ADEA); Americans with Disabilities Act of 1990 (ADA), as amended; section 504 of the Rehabilitation Act of 1973; Title IX of the Educational Amendments of 1972; Washington Law Against Discrimination (WLAD) chapter 49.60 RCW; and Executive Order 13160.

APPROVED BY

President's Staff
Board of Trustees 03/04/09

**COMMUNITY COLLEGE DISTRICT VIII
Bellevue Community College
Bellevue, Washington**

OVERVIEW

Tenure Review Committee Recommendation to Grant Tenure

A recommendation from the Tenure Review Committee for fourteen full-time faculty members has been submitted to the President, in accordance with the "Agreement Between the Board of Trustees of Community College District VIII and the Bellevue Community College Association of Higher Education." On the basis of this recommendation and in accordance with the provisions of the Agreement, it is the recommendation of the President that the faculty members listed below be granted tenure.

Recommendation: That the Board of Trustees of Community College District VIII hereby grants tenure for the 2009-10 academic year to Gita Bangera, Life Sciences (Biology).

Recommendation: That the Board of Trustees of Community College District VIII hereby grants tenure for the 2009-10 academic year to Michael Culpepper, Arts and Humanities (Interior Design).

Recommendation: That the Board of Trustees of Community College District VIII hereby grants tenure for the 2009-10 academic year to Kelly Elsenbaumer, Health Sciences, Education and Wellness Institute (Physical Education).

Recommendation: That the Board of Trustees of Community College District VIII hereby grants tenure for the 2009-10 academic year to David Oar, Library Media Center.

Recommendation: That the Board of Trustees of Community College District VIII hereby grants tenure for the 2009-10 academic year to Katherine Olson, Health Sciences, Education and Wellness Institute (Diagnostic Ultrasound).

Recommendation: That the Board of Trustees of Community College District VIII hereby grants tenure for the 2009-10 academic year to Jean Pauley, Arts and Humanities (Developmental Education, ESL).

Recommendation: That the Board of Trustees of Community College District VIII hereby grants tenure for the 2009-10 academic year to Jennifer Prekeges, Health Sciences, Education and Wellness Institute (Nuclear Medicine Technology).

Recommendation: That the Board of Trustees of Community College District VIII hereby grants tenure for the 2009-10 academic year to Sara Sutler-Cohen, Social Science (Sociology).

Recommendation: That the Board of Trustees of Community College District VIII hereby grants tenure for the 2009-10 academic year to Steven Yarborough, Arts and Humanities (English).

Recommendation: That the Board of Trustees of Community College District VIII hereby grants tenure for the 2009-10 academic year to Sheere Zupan, Health Sciences, Education and Wellness Institute (Radiologic Technology).

Prepared by Tom Nielsen
Interim Executive Dean of Instruction
February 25, 2009