

Board Policy Packet – April 2023

First Read Board Policy Partial Chapters 2, 3, & 7

Chapter 2 -- revise 2715, new BP 2356 – President Ryslinge

Chapter 3 – General Institution, partial, see summary table – Ryslinge

Chapter 7 – Human Resources, partial, see summary table

-Joy Gutknecht, Director of Human Resources

Summary of Policy Change Table

Type of Revision	Board Policy
Chapter 2 – Board of Education	
Delete censure reference	BP 2715 Code of Ethics/Standards of Practice
New	BP 2356 Board Member Censure
Chapter 3 – General Institution	
Review, no change/ref change	BP 3100 Organizational Structure
Review, no change/ref change	BP 3200 Accreditation
Review, no change/ref change	BP 3225 Institutional Effectiveness
Review, no change/ref change	BP 3280 Grants
Review, no change/ref change	BP 3300 Public Records
Review, no change/ref change	BP 3310 Records and Retention Destruction
Review, no change/ref change	BP 3440 Service/Assistance Animals
Completed with Ch 5, moved to Ch 3. Rescinds BP 212 & 703	<i>BP 3433 Title IX, Gender-Based and Sexual Misconduct</i>
Review, no change/ref change	BP 3501 Campus Security and Access
Review, no change/ref change	BP 3505 Emergency Response Plan
Review, no change/ref change	BP 3515 Reporting of Crimes
Review, no change/ref change	BP 3520 Local Law Enforcement
Review, no change/ref change	BP 3560 Alcoholic Beverages
Review, no change/ref change	BP 3715 Intellectual Property
Review, no change/ref change	BP 3720 Computer and Network Use
Align audit, clarify BOE role in gifts	BP 3820 Fund Development/Fund Raising and Gifts
CH 3 BPs to be reviewed next month:	
	BP 3250 Institutional Planning
	BP 3410 Non-Discrimination
	BP 3420 Equal Employment Opportunity
	BP 3430 Prohibition of Harassment
	BP 3500 Campus Safety (review with BP 742 Health & Safety)
	BP 3540 Sexual and Other Assaults on Campus
	BP 3550 Drug Free Environment & Drug Prevention Program
	BP 3570 Smoking on Campus
	BP 3990 Speech: Time Place, Manner
Pending	Assessing whether remaining OCCA policies apply to OCCC
Chapter 7 – Human Resources	
New	BP 7100 Commitment to Diversity
New	BP 7110 Delegation of Authority, Human Resources
New	BP 7160 Professional Development

New	BP 7350 Resignations
New	BP 7700 Whistleblower Protection
New	BP 7800 Work After Retirement
Rescind & Replace with Admin Procedure	BP 706 Ethical Conduct and Conflict of interest, replaced by AP 7310 Nepotism
Rescind & Replace with Admin Procedure	BP 709 Personnel Records, replaced by AP 7145 Personnel Files
Ch 7 BPs s to be reviewed next month (several will be replaced by APs)	
	BP 701 Staff Evaluation
Rescind with BP 3433	BP 703 3433 Prohibition of Sexual Harassment under Title IX
	BP 712 Management Rights
	BP 733 Expense Reimbursements
	BP 745 Separation from Employment/Layoff
	BP 751 Compensation and Benefits
	BP 754 Retirement Plan
	BP 760 Worker's Compensation Coverage
	BP 787 Standards of Conduct
	BP 790 Discipline and Dismissal of Personnel
	BP 793 Staff Complaints and Appeals
Shift to Ch 3: Institutional	
	BP 700 Equal Employment Opportunity
	BP 739 Drug and Alcohol-Free Workplace
	BP 742 Health and Safety
Pending	Assessing whether remaining OCCA policies apply to OCCC

Board Policy Review

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Chapter 2 – Board of Education

2715 Code of Ethics/Standards of Practice

Update Reviewed and Renewed on __/__/__

References: NWCCU Standard 2.D.2

ORS 244.010 to ORS 244.400

The Board of Education maintains high standards of ethical conduct for its members. Members of the Board of Education are responsible to:

- Act only in the best interests of the entire community.
- Ensure public input into board deliberations, adhering to the law and spirit of the open meeting laws and regulations.
- Prevent conflicts of interest and the perception of conflicts of interest.
- Exercise authority only as a Board.
- Use appropriate channels of communication.
- Respect others; acting with civility.
- Be informed about the College, educational issues, and responsibilities of Board membership.
- Devote adequate time to board work, including preparing for Board deliberations by reviewing the agenda and materials prior to meetings.
- Maintain confidentiality of executive sessions.

All Board of Education members are expected to maintain the highest standards of conduct and ethical behavior and to adhere to the Board's Code of Ethics. ~~The Board of Education will be prepared to investigate the factual basis behind any charge or complaint of Board member misconduct. A Board of Education member may be subject to a resolution of censure by the Board of Education should it be determined that trustee misconduct has occurred. Censure is an official expression of disapproval passed by the Board. A complaint of Board of Education member misconduct will be referred to an ad hoc committee composed of three Board of Education members not subject to the complaint. In a manner deemed appropriate by the committee, a fact-finding process shall be initiated and completed within a reasonable period of time to determine the validity of the complaint. The committee shall be guided in its inquiry by the standards set forth in the Board of Education's Code of Ethics as defined in policy. The Board of Education member subject to the charge of misconduct shall not be precluded from presenting information to the committee. The committee shall, within a reasonable period of time, make a report of its findings to the Board of Education for action.~~ Each member of the Board of Education will reaffirm adherence to the Code of Ethics by signing a statement at the annual organizational meeting.

Reviewed: xx/xx/xxxx

BP 2356 Board Member Censure

New Policy, removes incomplete language from existing BP 2715, adopted on __/__/__

References: 192.660(2)(b), 341.283

Oregon law authorizes the Board to establish rules governing the conduct of its members and proceedings. The Board of Education encourages free speech and the open sharing of opinions. Within that process, it is incumbent that each member of the Board complies with the entirety of Chapter Two of Board Policies which includes abiding by all state and federal laws that pertain to the College, abiding by public meeting laws, respecting the delegation of authority to the President, and acting only in the best interests of the entire community. Appropriate public decorum and behavior, when representing the College, are necessary for the success of the institution.

The Board of Education retains the right to censure a member of the Board found to violate policy. Censure is an official condemnation, reprimand, or criticism leveled at a board member or public official by his/her peers. Censure does not remove a board member from office or technically impede his/her ability to serve. However, it can be an important means of distancing a board from counterproductive behavior.

Should a violation of policy be brought to the attention of any board member, it must be reported to the Board Chair (or Vice-Chair if the complaint involves the Board Chair) and the President to determine the seriousness of the reported infringement. Before an official public censure takes place, the Board Chair and the President shall meet with the board member(s) that the censure would affect. This meeting would be private and confidential. Should the board member(s) being interviewed agree to alter the behavior(s) in question; no further action needs to take place.

Administrative Procedure for Board Censure Process

1. Receipt of Censure Complaints

Complaints by a board member against a fellow board member shall be brought to the Board Chair and the College President. If the complaint involves the Board Chair, it shall be brought to the Vice-Chair and the College President. Complaints shall be made in writing and should be specific and include dates, names of witnesses, and as much detail as possible. Any emails, letters, or other supporting information related to the issue should be attached as addendum and evidence. In addition to complaints related to the violation of the Board Member responsibilities under BP Chapter Two, a complaint may be brought related to actions that go against the operating principles or mission of the College established by the Board. Examples of actions that could be grounds for censure include but are not limited to personal attacks against fellow board members or the college president, repeated disruption of meetings, release of confidential information provided to Board and/or discussed in Executive Session, interference with college operations, and improper behavior toward college employees or students.

If the nature of the complaint could constitute prohibited behavior such as unlawful discrimination, undisclosed conflicts of interest in violation of Oregon Ethics law, or Title IX violation, the President shall consult with subject matter experts including legal counsel to

determine whether there is a more appropriate or legally required alternative procedure for addressing the complaint.

2. Confidential meeting with affected board member(s)

The Board Chair and the College President shall meet confidentially with the board member(s) whom the censure would affect. In the event the censure complaint involves the Board Chair, the Vice Chair and the College President will meet confidentially with the member(s) against whom a complaint has been made. If the complaint involves both the Board Chair and the Vice Chair, the President, and another member of the Board of Education, who shall be selected by the members not named in the complaint, will meet confidentially with the member(s) against whom a complaint has been made.

3. Censure resolution (if determined possible censure is appropriate)

A censure resolution will be drafted for consideration by the Board. The resolution may begin with the word, "Whereas", followed by a description of the concerns held by the members presenting the resolution. It should describe the violations forming the basis for the censure resolution. Following this will be a section beginning with the words, "therefore, be it resolved that ..." followed by a statement that member is hereby being censured and describing any other action to be taken.

4. Board consideration of censure resolution

Pursuant to ORS 192.660(2)(b), an Executive Session of the Board will be held no sooner than 7 business days after the scheduled confidential meeting with affected board member(s). This will provide adequate public notice, allowing the affected board member(s) time to prepare for the meeting and to decide whether to request an open hearing. Under ORS 192.660(2)(b) the affected board member has the right to request a hearing of the complaint in open session.

5. Board action on the censure resolution

Board members must have the resolution read aloud at a public Board of Education meeting called in accordance with adopted board meeting procedures and Oregon Public Meetings law. Following the reading of the resolution, the floor shall be opened for comments by board members. The Board will vote on the censure resolution. The votes of the individual board members and the overall results shall be recorded in the official meeting minutes.

Adopted by Board of Education: xx/xx/xx

Chapter 3 – General Institution

BP 3100 Organizational Structure

No Change, Update Reviewed and Renewed on __/__/__

References: NWCCU Standard ~~2.A.9~~ 2.A.2

The President shall establish organizational charts that delineate the lines of responsibility and fix the general duties of employees within the College. Organizational charts will be updated at least biannually and be publicly accessible.

Adopted by Board of Education: 09/18/2019

Reviewed: xx/xx/xxxx

Accreditation Standard Updated 5/2020

BP 3200 Accreditation

No Change, Update Reviewed and Renewed on __/__/__

References: NWCCU Standards ~~2.A.3 and 2.A.25~~ 2.A.1

The President shall ensure the College complies with the accreditation process and standards of the Northwest Commission on Colleges and Universities (NWCCU) and of other College programs that seek special accreditation.

The President shall keep the Board of Education informed of approved accrediting organizations and the status of accreditation. The President shall ensure that the Board of Education is involved in any accreditation process in which Board of Education participation is required.

The President shall provide the Board of Education with a summary of any accreditation reports and any actions taken or to be taken in response to recommendations in an accreditation report.

Adopted by Board of Education: 09/18/2019

Reviewed: xx/xx/xxxx

Accreditation Standard Updated 5/2020

BP 3225 Institutional Effectiveness

No Change, Update Reviewed and Renewed on __/__/__

References: NWCCU Standards ~~2.A.21, 4.A, 4.B, 5.A, and 5.B~~ 1.B.1

The Board of Education is committed to developing goals that measure the ongoing condition of the College's operational environment and progress towards student success outcomes. The Board of Education regularly assesses the College's institutional effectiveness.

Adopted: 09/18/2019

Reviewed: xx/xx/xxxx

Accreditation Standard Updated 5/2020

BP 3280 Grants

No Change, Update Reviewed and Renewed on __/__/__

References: There are no Oregon statutory requirements.

The Board of Education will be informed at least quarterly about grant applications above \$15,000 and whether those grants were received by the College. The authority to determine what grant applications are made resides with the President. The President shall establish procedures to assure timely application and processing of grant applications and funds, and that the grants that are applied for directly support the purposes of the Oregon Coast Community College.

Adopted by Board of Education: 09/18/2019

Revised: 11/18/2020

Reviewed: xx/xx/xxxx

BP 3300 Public Records

No Change, Update Reviewed and Renewed on __/__/__

References: NWCCU Standard 2.D.7;

ORS 192.311- 192.478

The President shall ensure that procedures are established for records management, including access by the public, that comply with the requirements of the state's open meeting and public records access laws.

Adopted by Board of Education: 09/19/2019

Reviewed: xx/xx/xxxx

Accreditation Standard no longer applies effective: 5/2020

BP 3310 Records Retention and Destruction

No Change, Update Reviewed and Renewed on __/__/__

References: NWCCU Standards ~~2.A.20 and 2.D.7;~~ 2.C.4

Federal Rules of Civil Procedure, Rules 16, 26, 33, 34, 37, and 45;

ORS 192.005 – ORS 192.170;

OAR 166-450-0000 – OAR 166-450-0125

The President shall ensure the establishment of administrative procedures to assure the appropriate retention and destruction of all Oregon Coast Community College records—including electronically stored information as defined by the Federal Rules of Civil Procedure and Oregon

law. Such records shall include, but not be limited to student records, employment records, and financial records.

Adopted by Board of Education: 09/18/2019

Reviewed: xx/xx/xxxx

Accreditation Standard Updated 5/2020

BP 3440 Service/Assistance Animals

No Change, Update Reviewed and Renewed on __/__/__

References:

The Americans with Disabilities Act of 1990 — 42 United States Code Sections 12101 et seq.;
28 Code of Federal Regulations Part 35;
28 Code of Federal Regulations Part 36;
34 Code of Federal Regulations Part 104.44(b)
ORS 659A.143

In order to prevent discrimination on the basis of disability, Oregon Coast Community College will allow an individual with a disability to use an assistance animal in the College's facilities and on the College's property in compliance with state and federal law.

Adopted by Board of Education: Adopted: 6/20/2020

Revised: 11/19/2014

Reviewed: xx/xx/xxxx

BP 3501 Campus Security and Access

No Change, Update Reviewed and Renewed on __/__/__

References: NWCCU Standard ~~2.G.1~~ 2.I.1

34 Code of Federal Regulations Part 668.46(b)(3)0; ORS 341.290(4)

The President shall establish procedures for security and hours of access to Oregon Coast Community College facilities.

Adopted by Board of Education: 09/18/2019

Reviewed: xx/xx/xxxx

Accreditation Standard Updated xx/xx/xx

BP 3505 Emergency Response Plan

No Change, Reviewed and Renewed on __/__/__

References: NWCCU Standard 3.A.5

Homeland Security Act of 2002;

National Fire Protection Association 1600;

Homeland Security Presidential Directive-5;

34 Code of Federal Regulations Part 668.46(g);

The College shall have emergency response and evacuation procedures for notifying the campus community in the event of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.

The President shall establish procedures that ensure that the College implements a plan to be activated in the event of an emergency or the occurrence of a natural disaster or hazardous condition. This plan must comply with the National Incident Management System (NIMS), incorporating the functions and principles of the Incident Command System (ICS), Multiagency Coordination System (MCS) and Public Information Systems, the relevant state emergency management response plan, and any other relevant programs. The plan must incorporate NIMS and the state emergency management response plan to facilitate the coordination between and among agencies in the event of an emergency or natural disaster. Compliance with NIMS and any state mandates include but are not limited to:

- Formation of a team to carry out compliance with NIMS and applicable state mandates
- Establishing disaster preparedness procedures or a plan; and
- Completion of training sessions by college personnel in compliance with NIMS and state guidelines. Training requirements vary based on job titles or assigned roles within the emergency plan

The plan should contain information regarding activation and chain of command responsibilities. Compliance with NIMS mandates requires planning and incorporation for all phases of emergency management including mitigation and prevention, preparedness, response and recovery. The College must ensure that its plan is updated regularly. Colleges must comply with NIMS and state requirements to receive federal or state funding.

Adopted by Board of Education: 01/15/2020

Reviewed: xx/xx/xxxx

Accreditation Standard no longer applies effective: 5/2020

BP 3515 Reporting of Crimes

No Change, Update Reviewed and Renewed on __/__/__

References: NWCCU Standard 2.D.2

Jeanne Clery Disclosure of Campus Security Policy

and Campus Crime Statistics Act of 1998;

34 Code of Federal Regulations Parts 99.31(a) (13), (14) and 668.46(b);

Campus Security Act of 1990;

The President shall ensure an annual “Clery Act” report is prepared of applicable crimes reported to campus security and/or local law enforcement. This report will include applicable crimes committed on campus, on public property within or immediately adjacent to campus, and in or on non-campus buildings or property owned or controlled by the institution or by an officially recognized student organization.

The “Clery Act” crimes to be reported include:

- Criminal Offenses – criminal homicide, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, and arson;
- Hate crimes; Violence Against Women Act (VAWA) Offenses – incidents of domestic violence, dating violence, and stalking; and
- Arrests and referral for disciplinary action – for weapons, drug abuse violations, and liquor law violations.

Such reports shall be made available as required by federal and state law.

Adopted by the Board of Education: 09/18/2019

Reviewed: xx/xx/xxxx

Accreditation Standard no longer applies effective: 5/2020

BP 3520 Local Law Enforcement

No Change, Update Reviewed and Renewed on __/__/__

References: 34 Code of Federal Regulations Part 668.46(b)(4)

The Oregon Coast Community College encourages accurate and prompt reporting of all crimes to campus security or the appropriate police agencies. The President shall establish procedures for College staff to inform crime victims of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

Adopted by Board of Education: 09/18/2019

Reviewed: xx/xx/xxxx

BP 3560 Alcoholic Beverages

No Change, Update Reviewed and Renewed on __/__/__

References:

34 Code of Federal Regulations Part 668.46(b); ORS 471.105;

The President is authorized to enact procedures as appropriate and permitted by law regarding serving alcoholic beverages on campus or at fund-raising events held to benefit non-profit corporations. Alcoholic beverages shall not be served on campus except in accordance with these procedures.

Adopted by the Board of Education: 09/18/2019

Reviewed: xx/xx/xxxx

BP 3715 Intellectual Property

No Change, Update Reviewed and Renewed on __/__/__

References: NWCCU Standards 2.A.24 and 2.A.29;

17 U.S. Code Sections 101 et seq.;

35 U.S. Code Sections 101 et seq.;

37 Code of Federal Regulations Parts 1.1 et seq.;

ORS 341.319

The President shall develop procedures that define the rights, interests, protection, and transfer of intellectual property created by the Oregon Coast Community College students and employees.

Adopted by the Board of Education: 09/18/2019

Reviewed: xx/xx/xxxx

Accreditation Standard no longer applies effective: 5/2020

BP 3720 Computer and Network Use

No Change, Update Reviewed and Renewed on __/__/__

References: NWCCU Standard 2.G.5

17 U.S. Code Sections 101 et seq.;

ORS 341.290(4)

Students, employees, and visitors who use College computers and networks, and the information they contain, and related resources have a responsibility not to abuse those resources and to respect the rights of others. The President shall establish procedures that provide guidelines to students, employees, and visitors for the appropriate use of information technologies. The

procedures shall include that users must respect software copyrights and licenses, respect the integrity of computer-based information resources, refrain from seeking to gain unauthorized access, and respect the rights of other computer users.

Adopted by the Board of Education: 01/15/2020

Reviewed: xx/xx/xxxx

Accreditation Standard no longer applies effective: 5/2020

BP 3820 Fund Development/Fund Raising and Gifts

Update Reviewed and Renewed on __/__/__

References:

ORS 341.290(5), (11), (19)

Agreement between Oregon Coast Community College and the Oregon Coast Community College Foundation, approved by Board of Education 02/28/2018

FUND DEVELOPMENT/FUND RAISING

The Board encourages the development of private fund raising and the pursuit of public and private grants to support Oregon Coast Community College's mission. Oregon Coast Community College commits to support fundraising including grants, cash solicitation, and solicitation of noncash and deferred gifts. The college will participate in fundraising efforts to improve programs and services that fall within our mission.

The Board recognizes the Oregon Coast Community College Foundation (OCCCF) as the private organization that exists to further the mission of the college. OCCCF is an independent, nonprofit, 501(c) (3) tax-exempt charitable organization with the purpose of raising funds for the college. The Foundation plays a critical role in institutional advancement activities, and the college will work closely with the Foundation to enhance resource development efforts.

The Board authorizes the President to provide appropriate resources to support the work of the Foundation, on the condition that the activities of the Foundation are conducted to the benefit of the College and its students. In addition to receiving support from the Foundation, the college may provide staffing for the Foundation or may, when it is mutually beneficial, make cash payments or other contributions to the Foundation. The Board will appoint one of its own members to serve as a liaison to and member of the Foundation Board. The Board directs the liaison member and the College President to provide it with an annual report of Foundation activities and goals and its annual financial audits as they occur.

GIFTS

Authority is delegated to the President to accept or decline gifts and donations offered to the College. The President may refer proposed gifts for consideration by the Board of Education, which shall consider suitability all gifts, donations, and bequests made to Oregon Coast Community College. The Board of Education reserves the right to refuse to accept any gift which does not contribute toward the goals of Oregon Coast Community College or the ownership of which would have the potential to deplete resources of the Oregon Coast Community College.

The Oregon Coast Community College shall assume no responsibility for appraising the value of gifts made to the Oregon Coast Community College. Acceptance of a gift shall not be considered endorsement by Oregon Coast Community College of a product, enterprise, or entity.

In no event shall the Oregon Coast Community College accept a donation from any donor who engages in practices or policies which discriminate against any person on the basis of nationality, religion, age, gender, gender identity, gender expression, race or ethnicity, medical condition, genetic information, ancestry, sexual orientation, marital status, military or veteran status , or physical or mental disability; or when the stated purposes of the donation are to facilitate such discrimination in providing educational opportunity.

Adopted by Board of Education: 11/18/2020

Reviewed: xx/xx/xxxx

Accreditation Standard no longer applies effective: 5/2020

Chapter 7: Human Resources

BP 7100 Commitment to Diversity

New Policy, Adopted on __/__/__

References: ORS 350.375

Oregon Coast Community College is committed to employing qualified administrators, faculty, and staff members who are dedicated to student success. The Board of Education recognizes that diversity, equity, and inclusion in the academic environment fosters cultural awareness, promotes mutual understanding and respect, and provides suitable role models for all students and employees. The Board of Education is committed to hiring and staff development processes that support the goals of equal opportunity and diversity, equity, and inclusion and provide equal consideration for all qualified candidates

Adopted by Board of Education: __/__/__

BP 7110 Delegation of Authority, Human Resources

New Policy, Adopted on __/__/__

References: ORS 341.290(1)

The Board of Education delegates authority to the President to authorize employment, fix job responsibilities, and perform other personnel actions provided that the President follows all federal and state laws and regulations and board policies and administrative procedures.

Adopted by Board of Education: xx/xx/xx

BP 7160 Professional Development

New Policy, Adopted on __/__/__

References: NWCCU Standard 2.F.2

It is the intent of Oregon Coast Community College to maximize professional development opportunities for its employees.

Adopted by Board of Education: xx/xx/xx

BP 7350 Resignations

New Policy, Adopted on __/__/__

References: No Oregon statutory requirement.

Delegation Authority ORS 341.290

The Board of Education hereby delegates to the College President the authority to accept resignations on its behalf at any time. Resignations shall be deemed accepted by the Board of Education when accepted in writing by the College President. When accepted by the College President, the resignation is final and may not be rescinded. All such resignations shall be forwarded to the Board of Education for information.

Oregon Coast Community College, through its Human Resources staff, will encourage employees to participate in an exit interview when resigning.

Adopted by Board of Education: xx/xx/xx

BP 7700 Whistleblower Protection

New Policy, Adopted on __/__/__

References: Affordable Care Act (29 U.S. Code Section 218C); ORS 659A.199 to ORS 659.236

The Board strictly prohibits discrimination or retaliation against any employee for engaging in whistleblowing activities as defined in ORS 659A.200 to 659A.229, including disclosure of information otherwise protected under Oregon's public records law (ORS 192.311 to 192.478).

An employee who in good faith has an objectively reasonable belief that the actions of the college or its employees violates federal, state or local law and who, in the process of reporting the alleged violation, discloses information that is exempt from disclosure under Oregon's Public Records law has an affirmative defense against civil or criminal charges arising out of such disclosure if the protected information was disclosed to:

1. A state or federal regulatory agency;
2. A law enforcement agency;
3. A manager employed by the college; or

4. An attorney, when the communication is in connection with the alleged violation and the communication is subject to Oregon's attorney-client privilege protection under ORS 40.225.

The affirmative defense provided for herein applies to an employee's disclosure of information related to an alleged violation by a coworker or supervisor acting within the course and scope of employment of the coworker or supervisor.

The affirmative defense does *not* apply to information that:

1. Is disclosed or redisclosed by the employee or at the employee's direction to a party other than the parties listed above; or
2. Is stated in an agreement that is not related to the employee's employment with the employer and is either:
 - a. a commercial exclusive negotiating agreement, or
 - b. a commercial nondisclosure agreement;
3. Is disclosed by an attorney or his/her/their employee if the information disclosed is related to the representation of a client; or
4. Is protected from disclosure under federal law, including but not limited to Health Insurance Portability and Accountability Act (HIPAA) and Family Educational Rights and Privacy Act (FERPA) and under these circumstances may only be disclosed in accordance with federal law.

Any employee who invokes his or her rights under this policy has the right to file a complaint under the College's harassment complaint procedure; and, is entitled to all remedies available under Oregon's unlawful employment practices law, ORS 659A.200 to 659A.224.

The President shall establish procedures regarding the reporting and investigation of suspected unlawful activities by College employees, and the protection from retaliation of those who make such reports in good faith or assist in the investigation of such reports.

For the purposes of this policy and any implementing procedures, "unlawful activity" refers to any activity — intentional or negligent — that an employee in good faith reasonably believes violates federal, state or local law, rule, or College policy, or is evidence of mismanagement, gross waste of funds or abuse of authority or substantial and specific danger to public health and safety resulting from action of the College.

The procedures shall provide that individuals are encouraged to report suspected incidents of unlawful activities without fear of retaliation, that such reports are investigated thoroughly and promptly, remedies are applied for any unlawful practices and protections are provided to those employees who, in good faith, report these activities or assist the College in its investigation.

Furthermore, College employees shall not:

- 1) retaliate against an employee or applicant for employment who has made a protected disclosure, assisted in an investigation, or refused to obey an illegal order;
- 2) retaliate against an employee or applicant for employment because the employee or applicant is a family member of a person who has made a protected disclosure, assisted in an investigation, or refused to obey an illegal order; or
- 3) directly or indirectly use or attempt to use the official authority or influence of his/her/their position for the purpose of interfering with the right of an applicant or an employee to make

a protected disclosure to the College. The College will not tolerate retaliation, and will take whatever action may be needed to prevent and correct activities that violate this policy, including discipline of those who violate it up to and including termination.

Adopted by Board of Education: xx/xx/xx

BP 7800 Work After Retirement

New Policy, Adopted on __/__/__

References: ORS 238; Chapter 355, Oregon Laws 2019

The Board of Education delegates to the President the authority to approve the continued employment and compensation of College employees after retirement from the Public Employee Retirement System (PERS). The President shall establish procedures related to work after retirement from PERS consistent with state and federal law. See also BP 7110.

Adopted by Board of Education: xx/xx/xx