

Nondiscrimination/Anti-Harassment Policy and Complaint Procedure

NWCOC is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Therefore, harassment or discrimination of any sort—verbal, physical, or visual—that is based upon race, color, religion, national origin, age, sex, sexual orientation, marital status, veteran status, disability, genetic information, or any other legally protected characteristic or status, and which disrupts or interferes with another's work performance or creates an intimidating, offensive, or hostile environment, will not be tolerated.

NWCOC has developed this policy to ensure that all its employees can work in an environment free from unlawful harassment, discrimination and retaliation. Employees who violate this policy will be subject to discipline up to and including termination of employment.

Any employee who has questions or concerns about these policies should talk with their supervisor or the Director of Human Resources.

These policies should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, or any other protected characteristic, from participating in business or work-related social activities or discussions. In other words, no one should make the mistake of engaging in discrimination or exclusion to avoid allegations of harassment. The law and the policies of NWCOC prohibit disparate treatment on the basis of sex or any other protected characteristic, with regard to terms, conditions, privileges and perquisites of employment. The prohibitions against harassment, discrimination and retaliation are intended to complement and further those policies, not to form the basis of an exception to them.

NWCOC is the educational facility for several Joint Apprenticeship Training Committees (JATC). The policies and procedures that follow are jointly observed and enforced.

Sexual harassment

Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this policy, “sexual harassment” is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or c) such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. All of the following may constitute sexual harassment and are prohibited:

- **Verbal harassment** - Epithets, derogatory comments, sexually offensive remarks, or slurs. Examples: Name-calling, belittling, sexually explicit or degrading words to describe an individual, sexually explicit jokes, comments about an employee’s anatomy and/or dress, sexually-oriented remarks, use of patronizing terms or remarks, verbal abuse, graphic verbal commentaries about the body.

- Physical harassment - Assault, impeding or blocking movement, or any physical interference with normal work or movement. Examples: Touching, pinching, patting, grabbing, brushing against or poking another employee's body; hazing or initiation that involves a sexual component; requiring an employee to wear sexually suggestive clothing.
- Visual harassment - Derogatory posters, cartoons, or drawings. Examples: Displaying sexual pictures, writings, or objects; displaying or permitting the display of sexually explicit materials on the Internet; obscene letters or invitations; staring at an employee's anatomy; leering; sexually orientated gestures; unwanted love letters or notes.
- Sexual favors - Unwanted sexual advances, which condition an employment benefit upon an exchange of sexual favors. Examples: Continued requests for dates; promises of advancement or additional wages; any threat of demotion, termination, etc., if requested sexual favors are not given; making or threatening reprisals after a negative response to sexual advances; propositioning an individual.

Other Types of Harassment

Harassment, on the basis of any other protected characteristic, is also strictly prohibited. Under this policy, harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by law, or that of his or her relatives, friends or associates, and that: a) has the purpose or effect of creating an intimidating, hostile or offensive work environment, b) has the purpose or effect of unreasonably interfering with an individual's work performance, or c) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to, epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group that is placed on walls or elsewhere on the employer's premises or circulated in the workplace, on company time or using company equipment by e-mail, phone (including voice messages), text messages, social networking sites or other means.

Individuals and Conduct Covered

Every employee has a responsibility to maintain the workplace free of any form of harassment.

These policies apply to all employees, instructors, administrative staff, board members, JATCs, Training Agents, students and apprentices, whether related to conduct engaged in by fellow employee, apprentices, or by someone not directly connected to NWCOC (e.g., an outside vendor, consultant or customer).

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings, JATC meetings, and business-related social events.

No Retaliation

NWCOC will not permit retaliation against anyone for making a good faith complaint of discrimination or harassment, or for cooperating in an investigation. Employees who believe they have been retaliated against in violation of this policy must immediately report their concerns using the procedures outlined below.

Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action.

Reporting an Incident of Harassment, Discrimination or Retaliation

All NWCOC employees must immediately report all perceived incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe that they have been the victim of such conduct should discuss their concerns with their immediate supervisor, or the Director of Human Resources. See the complaint procedure described below.

In addition, NWCOC encourages individuals who believe they are being subjected to such conduct to promptly advise the offender that his or her behavior is unwelcome and to request that it be discontinued. Often this action alone will resolve the problem. NWCOC recognizes, however, that an individual may prefer to pursue the matter through complaint procedures.

Please note that under Oregon law, effective October 1, 2020, employees have six years within which to bring certain legal claims regarding sexual assault or discrimination based on race, color, religion, sex, sexual orientation, national origin, marital status, age, expunged juvenile records, uniformed service, or disability. In addition, an employer may not require or coerce an employee to enter into a nondisclosure or non-disparagement agreement that prevents the employee from discussing discrimination or sexual assault that occurred at work or between employees. However, an employee may request that a nondisclosure or non-disparagement provision be included in a settlement agreement and the employee has seven days after signing such an agreement to change their mind before the agreement becomes final.

Complaint Procedure

Individuals who believe they have been the victims of conduct prohibited by this policy or believe they have witnessed such conduct should discuss their concerns with their immediate supervisor or the NWCOC Director of Human Resources. Apprentices in this situation, while working on a jobsite, should report directly to their Training Agent (Employer) and either the NWCOC Director of Student and Public Affairs or the NWCOC Director of Student Services and Apprenticeship.

NWCOC encourages the prompt reporting of complaints or concerns so that rapid and constructive action can be taken before relationships become irreparably strained. Therefore, while no fixed reporting period has been established, early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment.

Staff/Instructor/Student Reporting Process:

1. Report the complaint to the Director of Human Resources.
2. While the initial complaint may be made verbally, a written statement of complaint will be required. Complaints should include the details of the incident(s), the names of the individuals involved and the names of any witnesses.
3. NWCOC will conduct an investigation.
4. NWCOC will maintain confidentiality throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.
5. NWCOC will take corrective action when an employee is determined to have acted in violation of this policy. Corrective action may include a range of disciplinary measures up to and including termination of employment.

NWCOC Contact Information:

Marcus Johnson, Director of Human Resources, MarcusJ@nwcoc.com, 503-256-7300 ext. 230

Katrina Cloud, Director of Student and Public Affairs, KatrinaC@nwcoc.com, 503-256-7300 ext. 222

Sara Brady, Director of Student Services & Apprenticeship, SaraB@nwcoc.com, 503-256-7300 ext. 242

Apprentice Reporting Process (if the incident occurred on a jobsite):

The reporting process for an apprentice is different if the incident involves an apprentice on a job site. In that case the Training Agent is the employer and is responsible for conducting an internal investigation of the allegations. The apprentice should follow the following steps:

1. Report the incident to the appropriate person with their employer. The employer's complaint process is to be followed.
2. Report the incident to Director of Student and Public Affairs or Director of Student Services and Apprenticeship.
3. Provide a written statement that includes the details of the complaint, the names of the individuals involved and the names of any witnesses to the Director of Student and Public Affairs or the Director of Student Services and Apprenticeship.
4. The Training Agent should administratively separate the employees while the investigation is being completed.
5. Keep one of the NWCOC Directors apprised of the status of the complaint and if their employer (the Training Agent) places the apprentice on a job site with the individual(s) subject to the investigation.

When an incident is reported on a job site, the JATC has an ethical responsibility to ensure the safety of the apprentices. As such, the JATC will withhold dispatching another apprentice to the same location or with the same individuals subject to the investigation until the incident is resolved. The JATC will withhold dispatch until they are informed that the investigation is complete and resolved.

Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately. Responsive action may include, for example, training, referral to counseling or disciplinary action such as a warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay, or termination, as NWCOC believes appropriate under the circumstances.

Individuals should keep in mind that allegations of harassment and discrimination are potentially very serious to the person charged; while such allegations should be made whenever warranted, they should be made with accuracy and veracity.