



Blue Mountain Community College
Administrative Procedure

Procedure Title: Staff Complaints on Harassment, Intimidation and Menacing Procedure
Procedure Number: 03-2006-0012
Board Policy Reference: IV.B.1

Accountable Administrator: Executive Vice President
Position(s) responsible for updating: Director for Human Resources
Original Date: July 13, 2006
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Authorizing Signature: *Signed original on file*
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Reviewed:

Purpose/Principle/Definitions:

Harassment, intimidation, or menacing by staff or third parties is strictly prohibited and shall not be tolerated in the College.

Staff whose behavior is found to be in violation of the policy will be subject to discipline, up to and including dismissal. Third parties whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the President or Board.

Individuals may also be referred to law enforcement officials.

Guidelines:

The following definitions and procedures shall be used for reporting, investigating and resolving complaints of hazing, harassment, intimidation, and menacing:

Definitions

1. "Third parties" include, but are not limited to, volunteers, parents, visitors, service contractors, or other engaged in College business, such as employees of businesses or organizations participating in cooperative programs with the College and others not directly subject to College control at inter-district and intra-district athletic competitions or other events.

2. "College" includes College facilities, College premises and non-College property if the student or employee is at any College-sponsored, College-approved, or College-related activity or function where students are under the control of the College or where the employee is engaged in College business.
3. "Harassment" includes, but is not limited to, any act that subjects an individual or group to unwanted, abusive behavior or any act of a nonverbal, verbal, written, or physical nature on the basis of age, race, religion, color, national origin, disability, marital status, sexual orientation, physical characteristic, cultural background, socioeconomic status, or geographic location.
4. "Intimidation" includes, but is not limited to, any threat or act intended to tamper, substantially damage or interfere with another's property, cause substantial inconvenience, subject another to offensive physical contact or inflict serious physical injury on the basis of race, color, religion, national origin or sexual orientation.
5. "Menacing" includes, but is not limited to, any act intended to place an employee or a third party in fear of imminent serious physical injury.

Retaliation/False Charges

The College prohibits retaliation against any person who reports or is thought to have reported an incident of harassment, intimidation, or menacing, or who files a complaint or otherwise participates in an investigation or inquiry. Such retaliation shall be considered a serious violation of Board policy independent of whether a complaint is substantiated. False charges shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.

Complaint Procedures

The Director for Human Resources has the responsibility for investigations concerning hazing, harassment, intimidation, or menacing for employees; the Senior Director for Student and Enrollment Services has the responsibility for investigations concerning hazing, harassment, intimidation, or menacing for students. The investigators shall be a neutral party having had no involvement in the complaint presented.

All complaints will be investigated in accordance with the following procedures:

- Step 1: Any harassment, intimidation, or menacing information (complaints, rumors, etc.) shall be presented to the appropriate investigator. Complaints may also be presented to any College administrator, who will immediately notify the College official responsible for investigations. Complaints against the Director for Human Resources will be filed with the President. Complaints against the

President shall be filed with the Board chairperson. All such information will be reduced to writing and will include the specific nature of the offense and corresponding dates.

Step 2: The College official receiving the complaint shall promptly investigate. The College official will arrange such meetings as may be necessary with all concerned parties within five (5) working days after receipt of the information or complaint. The parties will have an opportunity to submit evidence and a list of witnesses. All findings related to the complaint will be reduced to writing. The College official(s) conducting the investigation shall notify the complainant as appropriate, in writing, when the investigation is concluded and a decision regarding disciplinary action, as warranted, is determined.

The investigator will forward a copy of the notification letter or the date and details of notification to the complainant, together with any other documentation related to the incident, including disciplinary action taken or recommended, to the President.

Step 3: If the complainant is not satisfied with the decision at Step 2, he/she may submit a written appeal to the President. Such appeal must be filed within 10 working days after receipt of the Step 2 decision. The President will arrange such meetings with the complainant and other affected parties as deemed necessary to discuss the appeal. The President shall provide a written decision to the complainant's appeal within 10 working days.

Step 4: If the complainant is not satisfied with the decision at Step 3, a written appeal may be filed with the Board. Such appeal must be filed within 10 working days after receipt of the Step 3 decision. The Board shall, within 30 working days, conduct a hearing at which time the complainant shall be given an opportunity to present the complaint. The Board shall provide a written decision to the complainant within 10 working days following completion of the hearing.

Documentation related to the incident may be maintained as a part of the student's education records or employee's personnel file.

Legal References:

ORS 163.190

OAR589-010-0100

ORS 166.065

ORS 166.155 – 166.165

ORS 341.290 (2)

Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000(d)