

Procedure Title: Hazing, Harassment, Intimidation, Bullying,
Cyberbullying, or Menacing Reporting
Procedure Number: 03-2006-0013
Board Policy Reference: IV.B.

Accountable Administrator: President
Position responsible for updating: Director Human Resources
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Purpose/Principle/Definitions

Procedures for processing staff grievances and appeals for those employees covered by a collective bargaining agreement will be contained in the appropriate agreement.

Administrative regulations for processing grievances and appeals for those employees not covered by a collective bargaining agreement will be developed by the President or designee, as necessary.

Definitions:

1. "Third parties" include, but are not limited to, volunteers, parents, visitors, service contractors, or others 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 intercollegiate and intracollegiate athletic competitions or other events.
2. "College" includes College facilities, College premises, and non-College property if the employee is at any College-sponsored, College-approved, or College-related activity or function, where the employee is engaged in College business.
3. "Hazing" includes, but is not limited to, any act that recklessly or intentionally endangers the mental health, physical health or safety of a staff member for the purpose of initiation or as a condition or precondition of attaining membership in, or affiliation with, any College sponsored work activity, professional rank or work assignment, or other such activities intended to degrade or humiliate regardless of the person's willingness to participate.

4. "Harassment" is unwelcome conduct that is based on race, color, religion, sex (including pregnancy), sexual orientation¹, national origin, age (40 or older), disability or genetic information. Harassment becomes unlawful when 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create work environment that a reasonable person would consider intimidating, hostile, or abusive.
5. "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 perception of the other's race, color, religion, national origin, disability, or sexual orientation.
6. "Bullying" is a pattern of repeated mistreatment that harms, intimidates, undermines, offends, degrades, or humiliates an employee.
7. "Cyberbullying" means the use of any electronic device to [convey a message in any form (e.g., text, image, audio, or video) that intimidates, harasses, or otherwise harms, insults, or humiliates another in a deliberate, repeated or hostile and unwanted manner under a person's true or false identity. In addition, any communication of this form, which substantially disrupts or prevents a safe and positive working environment, may also be considered cyberbullying. Staff will refrain from using personal electronic devices or College equipment to harass or stalk another person or people.
8. "Menacing" includes, but is not limited to, any act intended to place a College employee, student, or third party in fear of imminent serious physical injury.

Reporting Procedures

The compliance officer and President or their designee have responsibility for investigations concerning reported acts of hazing, harassment, intimidation, bullying, cyberbullying, or menacing of staff or third parties . The investigator(s) shall be a neutral party having had no involvement in the report presented.

All reports and information will be investigated in accordance with the following procedures:

- Step 1 Any reports or information on acts of hazing, harassment, intimidation, bullying, cyberbullying, or menacing (e.g., complaints, rumors) shall be submitted through BMCC's online incident reporting system. . Reports may also be presented to any College administrator who will immediately notify the College official responsible for investigations. Reports against the compliance officer shall be filed with the President. Reports against the

¹ "Sexual orientation" means an individual's actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual's gender identity, appearance, expression or behavior differs from that traditionally associated with the individual's sex at birth.

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

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

A copy of the notification letter or the date and details of notification to the person making the report, together with any other documentation related to the incident, including disciplinary action taken if recommended, shall be forwarded to the President or their designee.

Step 3 If the person making the report is not satisfied with the decision at Step 2, they 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 person making the report and other affected parties as deemed necessary to discuss the appeal. The President shall provide a written decision to the appeal within 10 working days.

Step 4 If the person making the report is not satisfied with the decision at Step 3, a written appeal may be filed with the BMCC Board of Education (Board). Such appeal must be filed within 10 working days after receipt of the Step 3 decision. The Board shall, within 20 working days, conduct a hearing at which time the person making the report shall be given an opportunity to present the information or report. The Board shall provide a written decision to the person making the report within 10 working days following completion of the hearing.

Reports against the President should be referred to the Board chair on behalf of the Board. The Board chair shall present the report to the Board. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within 20 days, in open session what action, if any, is warranted.

Reports against the Board as a whole or against an individual Board member should be made to the Board chair on behalf of the Board. The Board chair shall present the report to the Board. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be

presented to the Board. After receiving the results of the investigation, the Board shall decide, within [20] days, in open session what action, if any, is warranted.

Reports against the Board chair may be made directly to the Board vice chair on behalf of the Board. The Board vice chair shall present the report to the Board. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. After receiving the results of the investigation, the Board shall decide, within 20 days, in open session what action, if any, is warranted.

Timelines may be extended upon written agreement between both parties. This also applies to reports filed against the President or any Board member.

Direct complaints of discriminatory harassment related to employment may be filed with the Oregon Bureau of Labor and Industries, Civil Rights Division, or U.S. Department of Labor, Equal Employment Opportunities Commission.

Documentation related to the incident may be maintained as part of the employee's personnel file. Additionally, a copy of all reported acts of hazing, harassment, intimidation, bullying, cyberbullying, or menacing and documentation will be maintained as a confidential file and stored in the Human Resources Office, as appropriate.

Legal References:

ORS 341.290 (2)

ORS 659A.199

OAR 589-008-0100 (1)(l)

Anderson v. Central Point School District 746 F. 2d 505 (9th Cir. 1984).

Connick v. Myers, 461 U.S. 138 (1983).

