

Procedure Title: Staff Complaints and Appeals – Harassment

Procedure Number: 03-2006-0013

Board Policy Reference: IV.B.

Accountable Administrator: President

Position responsible for updating: Director Human Resources

Original Date: 07-13-06

Date Approved by Cabinet: 04-14-15

Authorized Signature: *Signed original on file*

Dated: 04-14-15

Date Posted on Web: 04-14-15

Revised: 04-15

Reviewed: 07-13

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.

It is an unlawful employment practice for an employer to discharge, demote, suspend or in any manner discriminate or retaliate against an employee with regard to promotion, compensation or other terms, conditions or privileges of employment for the reason that the employee has in good faith reported information in a manner as to disclose employer violations of any federal or state law, rule or regulation, mismanagement, gross waste of funds, abuse of authority, or substantial and specific danger to public health and safety.

Guidelines

The compliance officer and the College official charged with investigating allegations of harassment have responsibility for investigations concerning harassment. The investigator(s) shall be a neutral party having had no involvement in the complaint presented.

Step 1 Any harassment information (complaints, rumors, etc.) shall be presented to the Director Human Resources. Complaints may also be presented to any College administrator who will immediately notify the Director Human Resources. All such information shall be reduced to writing and will include the specific nature of the harassment and corresponding dates.

Step 2 Upon receiving the information or complaint, the Human Resources Director will promptly initiate an investigation. He/She 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 complaint. All findings of the investigation, including the response of the alleged harasser, shall be reduced to writing. The Human Resources Director and any other College official involved in conducting the investigation shall notify the complainant in writing when the investigation is concluded. The parties will have an opportunity to submit evidence and a list of witnesses.

The investigator(s) shall forward a copy of the notification letter, together with any other documentation related to the harassment incident, including disciplinary action taken if recommended, to the President.

- Step 3 If a 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 within 10 working days.
- Step 4 If a complainant is not satisfied with the decision at Step 3, he/she may submit a written appeal to 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 30 working days, conduct a hearing at which time the complainant shall be given an opportunity to present the appeal. The Board shall provide a written decision to the complainant within 10 working days following completion of the hearing.
- Step 5 If the complaint is not satisfactorily settled at the Board level, the employee may appeal to the U.S. Department of Labor, Equal Employment Opportunity Commission or Oregon Bureau of Labor and Industries. Additional information regarding filing of a complaint may be obtained through the Human Resources Office.

All documentation related to harassment complaints may become part of the employee's personnel file as appropriate. Additionally, a copy of all harassment complaints and documentation will be maintained as a confidential file and stored in the Human Resources Office, as appropriate.

In the event the President is the subject of the investigation, reports, when required, shall be made by the Board Chairperson or individual appointed by the Board Chairperson.

Special Forms:

Harassment Complaint Form
Witness Disclosure Form

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).

Harassment Complaint Form

Name of complainant: _____

Position of complainant: _____

Date of complaint: _____

Name of alleged harasser: _____

Date and place of incident or incidents: _____

Description of misconduct: _____

Name of witnesses (if any): _____

Evidence of harassment, i.e., letters, photos, etc. (attach evidence if possible): _____

Any other information: _____

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature: _____

Date: _____

Witness Disclosure Form

Name of Witness: _____

Position of Witness: _____

Date of Testimony/Interview: _____

Description of Instance Witnessed: _____

Any Other Information: _____

I agree that all the information on this form is accurate and true to the best of my knowledge.

Signature: _____

Date: _____