Chapter 3 – General Institution

# AP 3430 -- Prohibition of Harassment – Definitions & Complaint Process

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Chemeketa Community College is committed to providing a College community environment free of unlawful harassment. This procedure defines harassment and outlines the process for addressing complaints of harassment.

Scope & Jurisdiction

This procedure (1750 PRO) and related policy (1750 POL) applies to students (including applicants for admission), employees (including applicants for employment), volunteers, board members, or any other individual accessing or attempting to access any College program or benefit. This procedure and related policy apply to all academic, educational, extracurricular, athletic, employment, and volunteer settings, whether on College property or at official College events.

*For all complaints of sex-based harassment under Title IX, refer to Policy 1751 POL and Procedure 1751 PRO.*

Definitions

**Harassment:** Unwelcome conduct toward another that is based on membership in a protected class, and where the unwelcome conduct is severe or pervasive enough to create an environment that a reasonable person would consider intimidating, hostile, or abusive. An intimidating, hostile, or abusive environment is present where a reasonable person would be adversely affected to a degree that interferes with their ability to participate in or realize the intended benefits of an institutional activity, employment, or resource.

**Protected Class:** A group of people who share a common characteristic and are legally safeguarded from discrimination. Protected classes for the purpose of the College's harassment policy and procedure include: race, religion, national origin, sex (including pregnancy, sexual orientation, and gender identity/expression), age, disability, and immigration/citizenship status.

**Verbal Harassment:** Inappropriate or offensive remarks, slurs, jokes, name-calling, innuendos, or use of stereotypes based on a person's protected class. Verbal harassment may include, but is not limited to, comments regarding body shape/size/type, physical appearance, attire,

relationship status or sexual orientation; unwelcome questions of a personal nature relating to membership in a protected class; unwelcome compliments, flirtation, or propositions of a romantic or sexual nature; verbal abuse, threats, or intimidation; patronizing or ridiculing statements that convey derogatory attitudes about members of a protected class.

**Physical Harassment:** Inappropriate or offensive touching, assault, or physical interference with free movement. Physical harassment may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, pinching, leering, staring, unnecessarily brushing against another, blocking another's free movement, whistling, or making offensive or sexual hand gestures. *For all complaints of sex-based harassment under Title IX, refer to Policy 1751 POL and Procedure 1751 PRO.*

**Sexual Harassment:** When a person in a position of authority makes educational or employment benefits condition upon a person's willingness to engage in or tolerate unwanted sexual conduct (also known as "quid pro quo" harassment) or when any kind of harassment (verbal, written, physical, environmental) is based on a person's sex (including pregnancy, gender identity/expression, and sexual orientation). *For all complaints of sex-based harassment under Title IX, refer to Policy 1751 POL and Procedure 1751 PRO.*

**Visual or Written Harassment:** The display or circulation of visual or written material that degrades, mocks, caricatures, or insults an individual or group on the basis of a protected class. Visual or written harassment may include, but is not limited to, pictures, posters, cartoons, memes, graffiti, drawings, printed materials, magazines, books, or electronic media.

**Environmental Harassment:** The toleration or fostering of an environment where verbal, physical, sexual, or visual/written harassment exists. Environmental harassment can arise from a sustained and unwarranted focus on any protected class or sustained and unwarranted focus on any topic that would be intimidating, hostile, or offensive to a reasonable person in a member of a protected class.

**Complainant:** The person who is the target of alleged harassment

**Respondent:** The person who has allegedly harassed the complainant

<u>Complaint Process</u>

If any person within the scope and jurisdiction of this policy and procedure believes they have been subjected to prohibited harassment, they may make a complaint as follows.

***For all complaints of sex-based harassment under Title IX, refer to Policy 1751 POL and Procedure 1751 PRO.***

1. The complainant shall make a written report to the corresponding Reporting Authority listed below (except as described in subsection d - g below)

| Complainant Role | Reporting Authority |
|---|---|
| Student or prospective student | Executive Dean of Student Affairs |
| Employee or prospective employee | Associate Vice President of Human Resources |
| Volunteer or unpaid intern | Associate Vice President of Culture and Community |
| Board Member | College President |
| All other categories | Associate Vice President of Human Resources |

a. The complaint must contain the name of the respondent, a description of specific facts or incidents that the complainant believes constitutes harassment, including dates and locations. Complainants may offer documentation or evidence along with their initial complaint.
b. Anonymous complaints will not be accepted. To the extent possible, complaints will be kept confidential from all third parties.
c. Respondents will be given a copy of the full, unredacted complaint, including the identity of the complainant.
d. Complainants are encouraged to make a report as soon as possible after the alleged harassing incident(s). If a complaint is submitted more than 180 days after the last alleged harassing incident, the complaint must explain why a complaint could not be filed earlier.
e. If the respondent of a complaint is also the designated Reporting Authority for that type of complainant (e.g., an employee has a complaint against the AVP of HR, a student has a complaint against the Executive Dean of Student Affairs), the complaint will be directed to the respondent's supervisor, except in the case of a Board Member's complaint against the President, in which case the complaint will be directed to the Vice President of Governance & Administration.
f. If the respondent of a complaint is the President and the complainant is anyone other than a Board Member, the complaint will be directed to the Board of Education.
g. If the respondent is a Board Member, the complaint should be filed with the State of Oregon Affirmative Action office (if the complainant is an employee) or the US Department of Education's Office of Civil Rights (if the complainant is a student or community member).

2. The Reporting Authority receiving the written complaint will assess the complaint for suitability of any of the following actions: (1) closure, (2) informal resolution, or (3) formal investigation. The Reporting Authority will consult with other College personnel as necessary to make the determination.

3. **Closure:** If the Reporting Authority deems that all alleged facts in the complaint, if true, would not constitute a violation of the policy, the Reporting Authority shall immediately close the complaint as unfounded and notify the complainant of the closure. The closure

notification shall include a statement that the College will not tolerate any retaliation against the complainant for the making of the complaint.

4. **Informal Resolution:**
    a. If the Reporting Authority deems that informal resolution may be suitable, the Reporting Authority will offer the informal resolution process to the complainant and respondent. Both parties must agree to the informal resolution process; if there is no agreement on the informal resolution process, the Reporting Authority will initiate a formal investigation.
    b. The informal resolution process cannot be used where the allegations, if true, amount to criminal conduct (e.g., physical or sexual assault, criminal stalking).
    c. The Reporting Authority must notify the complainant and respondent that retaliation for the making of the complaint will not be tolerated and that the College will take reasonable steps to prevent the complainant from being retaliated against.
    d. The Reporting Authority, in consultation with complainant and respondent, will make a plan for the informal resolution. The informal resolution process may involve an informal inquiry into relevant facts/issues and a facilitated conversation between complainant and respondent. Both parties may bring non-attorney support/representation to any facilitated conversation.
    e. Typical outcomes of the informal resolution process include behavioral/conduct agreements, training sessions, voluntary apologies, etc.
    f. Complainants or respondents may, at any time, stop the informal resolution process and request a formal investigation instead.
    g. The informal resolution process will be conducted as quickly as possible but shall not extend beyond 60 days past receipt of the written complaint, unless both complainant and respondent agree to an extension.
    h. If the parties cannot agree on an ultimate informal resolution, the Reporting Authority will end the informal resolution process and begin a formal investigation.
    i. The Reporting Authority will draft a complaint outcome report, documenting the informal resolution process and any agreed-upon resolution.

5. **Formal Investigation:**
    a. The Reporting Authority will notify both complainant and respondent that the College will conduct a formal investigation into the complaint.
    b. If the respondent is an employee, the respondent may be placed on non-disciplinary paid administrative leave on a case-by-case basis. Human Resources will make the decision whether to place the employee on paid administrative leave.
    c. If appropriate, the Reporting Authority will work with College officials to implement supportive measures to ensure stability for the complainant and respondent in the work or educational environment during the pendency of the complaint.

d. The Reporting Authority must notify the complainant and respondent that retaliation will not be tolerated and that the College will take reasonable steps to prevent the complainant from being retaliated against.
e. The Reporting Authority will appoint a neutral investigator and notify the parties of the investigator's identity. Either party has the right to offer factually supported objections to the investigator's ability to be unbiased and fair.
f. The investigator will conduct fact-finding, including gathering evidence provided by parties, interviewing parties and witnesses, obtaining electronic or physical evidence, etc. Complainants and respondents are expected to fully cooperate with the investigation.
g. Complainants and respondents are entitled to have another person for support/representation present during investigatory interviews. Complainants and respondents have the right to offer evidence in their defense.
h. Information gathered during the investigation is generally considered confidential and will only be disclosed as required for business purposes, as required by law, or as required to afford legal rights to either party.

6. **Determination**:
    a. The investigator will write a findings report that summarizes the evidence gathered and gives a determination of whether the harassment policy was violated.
    b. The investigator will give the investigation report and conclusion to the Reporting Authority.
    c. The Reporting Authority will write an investigation summary and closure letter to both the complainant and respondent.
    d. The College will make every effort to complete the investigation and deliver the closure letters within forty-five (45) days after the date of receipt of the complaint. If circumstances warrant an extension of the 45-day timeline, the complainant and respondent will be notified of the reason for the extension and projected completion date.
    e. If the respondent has violated the policy and is an employee, the Reporting Authority will consult with Human Resources to determine if any disciplinary action is appropriate.
        i. The complainant is not entitled to learn of any discipline given to the respondent
    f. If the respondent has violated the policy and is a student, the Reporting Authority will consult with the College's Director of Student Conduct & Community Standards to determine if any sanctions are appropriate.
        i. The complainant is not entitled to learn of any sanctions given to the respondent
7. **Appeal Process**
    a. If the complainant or respondent is dissatisfied with the outcome of the investigation, they may appeal the outcome on one of the following grounds:

i. The College did not follow the proper procedure for investigating the complaint.
ii. New evidence that was reasonably unattainable during the investigation is now available. The new evidence must be provided with the written appeal.
iii. The conclusion is clearly erroneous from the standpoint of a reasonable unbiased person.

b. The complainant may not appeal the discipline/sanctions given to the respondent.
    i. The respondent may appeal the discipline/sanctions given, but must do so through Human Resources (employees) or Student Conduct & Community Standards (student).
c. Any appeal must be submitted in writing within ten (10) days of receipt of the closure letter.
d. Appeals will be submitted to Vice President of Governance & Administration. If The VP of Governance & Administration was the complainant, respondent, Reporting Authority, or investigator in the matter, the appeal will go directly to the College President.
e. Within thirty (30) days, the VP of Governance & Administration (or President, as appropriate) will render a decision on the appeal. The appeal decision is final.

June 25, 2026

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*Adopted President/CEO*

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*Revised President/CEO*

References:
34 C.F.R. §668.46(b)
ORS 471.105
College Procedure #2251 PRO