

**ADMINISTRATIVE RULE NO: 1050-01
RELATED TO POLICY NO: 1050**

TITLE: SEXUAL HARASSMENT/SEXUAL ASSAULT COMPLAINT PROCEDURES

STUDENTS'/EMPLOYEES' RESPONSIBILITIES

All employees and students of the college will be expected to conduct themselves in a manner which is not or will not be reasonably interpreted by another employee or student or group of employees or students to be sexual harassment. Employees or students who violate this policy will be subject to discipline, up to and including termination/expulsion.

Discipline imposed upon employees subject to collective bargaining agreements shall be governed by their respective agreements; failing such provision, Board policies shall apply.

Every employee and every student at the college is encouraged to report sexual harassment, and no reprisals will be taken against any employee or student who makes such a report. Serious damage to an accused person's reputation and his or her future ability to function in an efficient and credible manner for the college can result from any allegation of sexual harassment, even one that is later determined not to be valid. Each employee and student, thus, has a personal responsibility not to make false claims or malicious claims that is for some ulterior purpose. Such false or malicious claims of sexual harassment will not be tolerated and will subject the complainant to discipline.

An employee or student who believes s/he has been subjected to sexual harassment by employees or visitors should report the alleged act immediately to the Affirmative Action Officer (AAO), 6500 SW Pacific Boulevard, Albany, Oregon, 97321, Telephone: 917-4433.

Students who believe they have been subjected to sexual harassment by other students should report the alleged act immediately to the Dean of Student Services (917-4806), or a counselor in the Counseling Department (917-4780), 6500 SW Pacific Boulevard, Albany, Oregon, 97321.

If the complainant does not feel comfortable reporting to the AAO or dean of Student Services, s/he should contact another member of the Human Resources Department.

EMPLOYER RESPONSIBILITIES

The Board of Education has designated the AAO and/or dean of Student Services as the officials responsible for investigating complaints. Complaints will be kept confidential to the extent possible, while allowing the investigation to proceed. An investigation of all complaints will be undertaken immediately. Any supervisor, agent, student or employee who has been found by the college, after appropriate investigation,

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to have sexually harassed another employee or a student will be subject to appropriate sanctions, depending on the circumstances, up to and including termination/expulsion. The college's remedy will be designed to eliminate sexual harassment of all kinds.

Sexual harassment by vendors, suppliers, visitors, or other nonemployees of the college, with whom employees or students need to do business, is also prohibited under the terms of this policy. An employee or student experiencing such harassment should utilize the sexual harassment complaint procedure.

Any form of retaliation, including but not limited to derogatory comments, against individuals making sexual harassment complaints, witnesses, or any other involved employees or students, is against college policy and is strictly prohibited. Retaliatory activities will be treated as a violation of this policy and subject to the same disciplinary measures, up to and including termination/expulsion.

The college recognizes that the question of whether a particular action or incident is prohibited conduct or purely a personality conflict without discriminatory employment or academic effect, or simply a misunderstanding or miscommunication, requires a determination based on all facts. Given the serious nature of sexual harassment, we trust all employees and students of the college will continue to act responsibly to establish a pleasant working and academic environment free of discrimination sexual harassment or intimidation. The college encourages any employee or student to raise questions s/he may have regarding this policy against sexual harassment. Employees should direct inquiries to the AAO. Students should direct inquiries to the Dean of Student Services.

COMPLAINT/INVESTIGATION PROCEDURES

The following procedure should be used by any student who believes s/he has experienced sexual harassment in violation of Title IX, or by any employee who believes s/he has experienced sexual harassment in violation of state and federal law.

- A. The complainant should bring her/his complaint forward as follows:
1. Student complainant regarding issues involving other student(s) should bring complaint to the Dean of Student Services.
 2. Student complainant regarding issues involving employees or visitors should bring complaint to the AAO.
 3. Employee complainant should bring complaint to the AAO.

The dean of Student Services normally will serve as the investigator for complaints involving students only, where there is no employee involvement. The AAO normally will serve as the investigator for complaints involving employees (which may also include student and employee involvement).

Depending on the circumstances of the complaint, the decision may be made to hire an outside investigator or appoint someone else in the college to investigate the

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complaint. A complaint can be verbal or written.

If after the initial interview, the complainant expresses the desire not to pursue the complaint but merely to bring it to the college's attention, the investigator would, in most cases, still proceed with the investigation, informing the complainant that the law and college policy require a full investigation if the complaint is anything other than trivial.

- B. The investigation/resolution of each complaint will be completed as quickly as possible and will be the highest priority for the investigator/decision makers. The investigation will proceed according to the following process:
1. The investigator will establish a complaint file to include related complaint file materials. Complaint files will be maintained separately from personnel or student files.
 2. As appropriate, the investigator will notify the supervisor, affected department director and/or legal counsel of the complaint on a need-to-know basis. It will be the responsibility of the AAO or dean of Student Services to determine the extent of supervisor involvement in this investigation, depending upon allegations. Need to know will be balanced against need to maintain the strictest confidentiality. The administrator or dean will be informed of an investigation.
 3. The complainant and accused will be interviewed separately in detail with specific questions by the investigator. During the investigation the complainant and accused may bring representation so long as that representative does not interfere with the investigation process. Confidentiality will be maintained to the extent possible while determining the facts of the complaint. Both will be asked to identify potential witnesses to the relevant facts. The investigator will be alert not to involve any more people than absolutely necessary.
 4. Witnesses will be interviewed in detail by the investigator. The investigator will carefully document the discussions at each interview.
 5. At the conclusion of interviews and review of documents, the investigator will prepare a confidential written report of the findings and recommendations.
 6. The investigator will inform the complainant and accused of the findings in writing. Within 15 days of receipt of the findings, the complainant and/or accused may submit a written response to the investigator. The investigator will review the response(s) and forward both the response(s) and the report to the appropriate vice president.
 7. The investigator makes recommendations to the appropriate vice president. The vice president may interview any of the involved individuals, as needed. The vice president makes a decision and directs the appropriate administrator or dean to implement the decision.

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8. The AAO and/or dean of Student Services will work with the supervisor and/or the affected administrator to implement the decision and follow up to ensure any misconduct has not continued.
 9. The AAO and/or dean of Student Services shall follow up with complainant or witnesses to ensure they are not suffering retaliation.
 10. If it is concluded the harassment complaint cannot be substantiated, all parties will be notified and the investigation closed.
- C. Within 15 days of receipt of the decision either party may appeal the decision by submitting a written request outlining the basis for the appeal and any other relevant facts, to the college president who will consider the new evidence presented and render a decision on the appeal. The decision of the college president is final and binding.
- D. If the complaint is against any of the people named to investigate or review the investigation, the complainant will go to the next higher person in the organizational structure.
- E. At three months, six months, and one year following the complaint investigation, the AAO and/or dean of Student Services will follow up to ensure the work place is free from sexual harassment and retaliation and the complainant made whole.
- F. A complaint file on the complaint/investigation will be maintained as a confidential file by the AAO and/or dean of Student Services.

DATE OF ADOPTION: 07/27/93

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