

Clackamas Community College

Code: **GBNA/JFCF-AR**
Revised/Reviewed:

Hazing/Harassment/Intimidation/Bullying/Menacing Complaint Procedures

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 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 intra collegiate 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. "Hazing" includes, but is not limited to, any act that recklessly or intentionally endangers the mental health, physical health or safety of a student/staff for the purpose of initiation or as a condition or precondition of attaining membership in, or affiliation with, any College cocurricular or extracurricular activity, program or year in school, i.e., personal servitude, sexual stimulation/sexual assault, forced consumption of any drink, alcoholic beverage, drug or controlled substance, forced exposure to the elements, forced prolonged exclusion from social contact, sleep deprivation or any other forced activity that could adversely affect the mental or physical health or safety of a student/staff; requires, encourages, authorizes or permits another to be subject to wearing or carrying any obscene or physically burdensome article, assignment of pranks to be performed or other such activities intended to degrade or humiliate regardless of the person's willingness to participate.
4. "Harassment" includes, but is not limited to, any act which subjects an individual or group to unwanted, abusive behavior of a nonverbal, verbal, written or physical nature on the basis of age, race, religion, color, national origin, disability, sexual orientation[, physical characteristic, cultural background, socioeconomic status or geographic location].
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 basis of race, color, religion, national origin or sexual orientation.

6. “Cyberbullying” means the use of any electronic communication device to [convey a message in any form (text, image, audio or video) that intimidates, harasses or is otherwise intended to harm, insult or humiliate 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 educational or working environment may also be considered cyberbullying.] [harass, intimidate or bully.] Students and Staff will refrain from using personal communication devices or College equipment to harass or stalk another.
7. “Menacing” includes, but is not limited to, any act intended to place a school employee, student or third party in fear of imminent serious physical injury.

Retaliation/False Charges

Retaliation against any person who reports, is thought to have reported, files a complaint or otherwise participates in an investigation or inquiry is prohibited. Such retaliation shall be considered a serious violation of Board policy and 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 compliance officer and the President have responsibility for investigations concerning hazing, harassment, intimidation or menacing. The investigator(s) 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 hazing, harassment, intimidation or menacing information (complaints, rumors, etc.) shall be presented to the compliance officer. Complaints may also be presented to any College administrator who will immediately notify the College official responsible for investigations. Complaints against the compliance officer shall be filed with the President. Complaints against the President shall be filed with the Board chair. 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] 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.

[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, shall be forwarded 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 [20] 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.

Direct complaints related to educational programs and services may be made to the U.S. Department of education, Office for Civil rights. Direct complaints 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 a part of the student's education records or employee's personnel file. [Additionally, a copy of all hazing, harassment, intimidation or menacing complaints and documentation will be maintained as a confidential file and stored in the administration office.]