

Public Complaints
(Nonemployee/Nonstudent)

Any ~~person or group~~ **member of the public who is not already affiliated with the institution as a student or employee** ~~having a legitimate interest in the College shall have the right to~~ **may** present a request, suggestion or complaint concerning College personnel, the program or the operations of the College. At the same time, the Board has a duty to protect its staff from unnecessary harassment. It is the intent of this policy to provide the means for judging each public complaint in a fair and impartial manner and to seek a remedy where appropriate.

It is the desire of the Board to rectify any misunderstandings between the public and the College by direct discussions of an informal type among the interested parties. It is only when such informal meetings fail to resolve the differences that more formal procedures shall be employed.

Any requests, suggestions or complaints reaching the Board or Board members **from the public** shall be referred to the President **or designee** who will direct the complainant to established complaint procedures. **No individual Board member shall attempt to consider or resolve such complaints in any official capacity acting as an individual Board member.**

Complaints about Board policy or administrative regulations should be referred directly to the President.

Complaints against the President should be referred to the Board chair.

Complaints against the Board as a whole or against an individual Board member should be referred to the Board chair on behalf of the Board.

Complaints against the Board chair should be referred directly to the Board vice chair on behalf of the Board.

See KL-AR – Public Complaint Procedure for more information on the complaint process.

~~No~~ **All** complaints concerning **a student, any** employee, officer or Board member will be ~~heard or reviewed by the Board unless the complaint is~~ stated in writing and presented in accordance with College procedures, collective bargaining agreement provisions and the requirements of law.

END OF POLICY

Legal Reference(s):

[ORS 341.290](#)

Anderson v. Central Point Sch. Dist., 746 F.2d 505 (9th Cir. 1984).
Connick v. Myers, 461 U.S. 138 (1983).

Public Complaint Procedure (Nonemployee/Nonstudent)

Initiating a Complaint: Step One

Any member of the public who **is not already affiliated with the institution as a student or employee and wishes to express a suggestion or complaint** **has a** concerning **about** a College program or operation should discuss the matter with the department chair or administrator. ~~Suggestions or~~ **Complaints about College personnel should be addressed to the employee directly or if that does not resolve the issue, complaints can be directed to the** employee's supervisor.¹ It is the intent of the College to solve problems and address all complaints as close as possible to their origin.

Supervisor/Administrator: Step Two

If unable to resolve a problem or concern at step one then the complainant ~~should work with the supervisor/administrator~~ can request to meet with the next level supervisor or administrator to resolve the complaint or concern. **The supervisor/administrator shall evaluate the complaint and render a decision within five working days after receiving the complaint.**

The President or Designee: Step Three

If the discussion at step two does not resolve the complaint or if such discussion is not practical under the circumstances, the complainant, if ~~he/she~~ **they** wishes to pursue the action, shall file a signed, written complaint with the President clearly stating the nature of the complaint and a suggested remedy. (A form is available **below**, but is not required.)

The President or designee shall investigate the complaint, confer with the complainant and the parties involved and prepare a written report of ~~his/her~~ **the** findings and ~~his/her~~ conclusion **within 10 working days after receiving the written complaint.** (~~Approximately 10 working days in most cases will be required.~~)

The Board: Step Four

If the complainant is dissatisfied with the President's (or designee's) findings and conclusions, ~~the~~ complainant may appeal the written conclusion to the Board within 15 working days **of receiving the decision.** The Board will notify the complainant, in writing, within 15 working days if the Board **will** choose to hear the complaint.

If the Board may chooses to hear the complaint **and the Board will** hold a hearing to review the findings and conclusion of the President, to ~~hear the complainant and to take such other evidence as it deems~~ **determine what action is** appropriate. **The Board may use executive session if the subject matter qualifies under Oregon Law. Appropriate action may include, but is not limited to, holding a**

hearing, requesting additional information, and adopting the President's (or designee's) decision as the College's final decision.

All parties involved, including the **department chair**, supervisor, **or** administrator, may be asked to attend such meeting for the purposes of **presenting additional facts**, making further explanations and clarifying the issues.

1 See Board policy GBN/JBA and administrative regulation GBN/JBA-AR; and Board policy GBNA/JFCF and administrative regulation GBNA/JFCF-AR

~~The Board may elect to hold the hearing in executive session if the subject matter qualifies under Oregon Revised Statutes.~~

Once a hearing has been held, the Board will notify the complainant in writing of the Board's decision. The communication will occur within 20 working days of the hearing.

If the Board chooses not to hear the complaint, the Board will notify the complainant in writing within 15 working days that the Board ~~concurs with the President or designee's written report~~ **refuses to hear the complaint** and therefore the decision of the President is upheld and final.

Timelines may be extended upon written agreement between the College and the complainant.

Complaints against the President should be referred to the Board chair on behalf of the Board. The Board chair shall present the complaint to the Board in a Board meeting. 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. The Board shall decide in open session, within 20 working days, what action, if any, is warranted. The Board may use executive session if the subject matter qualifies under Oregon law. A final decision regarding the complaint shall be issued by the Board within 10 working days.

Complaints against the Board as a whole or against an individual Board member should be referred to the Board chair on behalf of the Board. The Board chair shall present the complaint to the Board in a Board meeting. 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. The Board shall decide in open session, within 20 working days, what action, if any, is warranted. A final decision regarding the complaint shall be issued by the Board within 10 working days.

Complaints against the Board chair should be referred directly to the Board vice chair on behalf of the Board. The Board vice chair shall present the complaint to the Board in a Board meeting. 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. The Board shall decide in open session, within 20 working days, what action, if any, is warranted. A final decision regarding the complaint shall be issued by the Board within 10 working days.

A student, after exhausting College complaint procedures, may file a written complaint with the Higher Education Coordinating Commission pursuant to rules outlined in, including but not limited to, Oregon Administrative Rule (OAR) 715-011-0075 and OAR 715-011-0080.

Approved by President's Council: May 1, 2012
(Date)

**Clackamas Community College
PUBLIC COMPLAINT FORM**

Person Making Complaint _____ Date _____

Telephone Number _____ **Email** _____

Did you speak with the person directly involved prior to filling out this form? **Yes No**

- If yes, describe the informal process you used and the outcome.
- If no, please state why an informal discussion about the issue did not take place.
- Please include the name (s) of those involved.

Nature of **the Suggestion**/Complaint _____

Who should we talk to and what evidence should we consider?

Suggested ~~Correction~~ Resolution/Outcome

Signature of Complainant _____ **Date:** _____

Please return this completed form to the President's office.

Office Use: Disposition of Complaint: _____	
Signature: _____	Date: _____