

Procedure #1750

Harassment/Discrimination Complaint/Grievance

**Prior to Filing a
Grievance:**

If it is appropriate and safe, anyone alleging a violation of this policy should meet with the person who allegedly violated the policy and resolve the issue informally.

**Filing a
Grievance:**

Any employee, student, or member of the general public who believe they have been negatively impacted by a violation of this policy by any individual to whom this policy applies can file a grievance. **For students who have concerns or wish to file a grievance related to a disability accommodation please see section titled Students Filing a Complaint or Grievance on page 4 of this procedure.**

Questions, concerns, or complaints relating to the conduct covered by this policy should be directed to any of the following, at which point, accommodations can be requested when needed:

- The **associate vice president of Human Resources**
- The **vice president of Governance and Administration**
- The **executive dean of Student Affairs**

Additional information can be found on the Chemeketa website [here](#)

The following information must be provided to file a grievance:

1. The complaining party's name and contact information;
2. The name of the person, or identifying information, who is alleged to have violated the policy;
3. A description of the alleged violation.

The person receiving the grievance will consult with the **associate vice president of Human Resources** who will determine the appropriate course of action. In the event the **associate vice president of Human Resources** has a conflict, the **vice president of Governance and Administration** will assume the duties of the **associate vice president of Human Resources**. An informal resolution to the grievance may be pursued.

If a formal investigation is determined appropriate, the **associate vice president of Human Resources or designee** will be responsible for investigating or assigning outside counsel to investigate. The investigation will be done as promptly and impartially as possible. The **associate vice president of Human Resources**—in consultation with other

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individuals such as the vice president, legal counsel, and appropriate administrators—will determine if a violation of the policy has occurred and recommend the appropriate action in accordance with association contracts and applicable law.

The person who made the complaint will be notified as soon as practicable when the investigation is complete and whether the claim was found to be substantiated, unsubstantiated, or inconclusive.

Rights of Appeal:

1. Students (non-disability related)

Both parties have equal rights to an impartial appeal. An appeal is not to initiate a review of substantive issues of fact or a new determination of whether a violation of College rules has occurred. The grounds for an appeal are limited to the following considerations:

- a. There is substantial relevant information that was not presented, and reasonably could not have been presented, despite reasonable efforts, during the investigation;
- b. The imposed penalty does not fall within the range of penalties imposed for similar misconduct; or
- c. There was procedural unfairness during the disciplinary process.

The College **vice president of Governance and Administration or their designee(s)** makes the decision on appeals and may uphold the original decision, alter the imposed penalty, or return the case for additional proceedings or other action. **The vice president of Governance and Administration or their designee(s)** decision may be appealed to the **College President**. The President's decision is final.

Appeals must be written and filed with the appropriate office within seven (7) calendar days from the day the original decision is issued. Exception to the seven (7) day rule may be granted by College administration under extraordinary circumstances. If either party files an appeal, the office where the appeal is filed will notify the other party in writing.

2. Employees

Both parties have equal rights to an impartial appeal. In cases where the respondent is a represented employee,

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the appeal process will be determined by the appropriate collective bargaining agreement or the administrative handbook.

In a case where the respondent is a non-represented employee, the College **vice president of Governance and Administration, or their designee(s)** will make the decision on appeal. An appeal is not to initiate a review of substantive issues of fact or a new determination of whether a violation of College rules has occurred. The grounds for an appeal are limited to the following considerations:

- a. There is substantial relevant information that was not presented, and reasonably could not have been presented, despite reasonable efforts, during the investigation;
- b. The imposed penalty does not fall within the range of penalties imposed for similar misconduct; or
- c. There was procedural unfairness during the disciplinary process.

For non-represented employees, the College **vice president of Governance and Administration, or their designee(s)** makes the decision on appeal and may uphold the original decision, alter the imposed penalty, or return the case for additional proceedings or other action. The **vice president of Governance and Administration, or their designee(s)** may be appealed to the **College President**. The **President's** decision is final.

Appeals must be written and filed with the President's office within seven (7) calendar days from the day the original decision is issued. Exception to the seven (7) calendar day filing rule may be granted by the College administration under extraordinary circumstances. If either party files an appeal, the office where the appeal was filed will notify the other party in writing.

Individuals served by or working under a U.S. Department of Labor grant may file an Equal Opportunity complaint with the recipient's **Equal Opportunity Officer, Director of Human Resources; or the Director, Civil Rights Center (CRC), U. S. Department of Labor, 200 Constitution Avenue NW, Room N-4123, Washington, D.C. 20210.**

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Students Filing a Complaint or Grievance related to a disability:

- Students with disabilities may file a discrimination complaint by completing the complaint form or submitting a video recorded complaint.
- The complaint must be submitted within 20 business days of the alleged incident.
- The complaint must include the
 - Name
 - Contact information of the complainant
 - The date of incident
 - Action taken
 - Names or information of any known witnesses
- Upon receipt of a report of discrimination, students will be offered support resources.
- The student will be offered an interview meeting with the **504 Coordinator**. The complainant may provide any additional information that may be relevant to the complaint during the interview. If the complainant chooses to decline the interview meeting, then the review and possible investigation will be limited only to what was provided in the original grievance form/video.
- Students may request an advocate at any time during the complaint process. An impartial college advocate will be provided and remain with the student throughout the complaint process.

Confidentiality:

- Student Accessibility Services will keep information and reports as private as possible during the course of the investigation and throughout the College's involvement in the complaint. However, in order to address and resolve the complaint, Student Accessibility Services may need to share information with other offices on campus such as Human Resources. Information will be shared strictly on a need-to-know basis.

Investigation:

- If the alleged complaint is determined to have merit and could constitute a policy violation, the **504 Coordinator** will conduct an investigation.
- During the investigation both the complainant and the accused are interviewed.
- Documents and materials such as text messages, emails, photographs, and witness interviews from both parties will be gathered and stored separately from academic records.
- Both parties will have an opportunity to respond to the collected evidence.
- Both the complainant and the respondent will be notified in writing of the investigation outcome as substantiated, unsubstantiated, or inconclusive.

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- The investigation outcome will be shared with the designated executive members to determine next steps including disciplinary action if appropriate.
- The college reserves the right to respond in accordance with college policies and applicable laws to conduct violations.

Records:

- Records of discrimination complaints and investigatory files will remain on file with the **504 Coordinator** for a period of 3 years from the date of conclusion of the incident.

Appeal of Complaint:

- Both parties may appeal the discrimination complaint outcome to the **executive dean of Student Affairs**.
- The appeal should be provided in writing to the **executive dean of Student Affairs**, Building 2, Room 208 on the Salem Campus within 7 days of the outcome.
- The **executive dean of Student Affairs or designee** will review the complaint, case notes, and investigation reports and materials from the original complaint.
- New or additional information may not be added to the original complaint, unless there is substantial relevant information that was not presented, and reasonably could not have been presented, during the original investigation.
- A written decision of the appeal will be provided within 20 business days of receipt.
- The decision of the **executive dean of Student Affairs or designee** is final.

Complaints regarding authorities involved in the original grievance:

- A complaint or grievance regarding any participating authority of the original grievance or the appeal, must be submitted in writing to the Vice President of Student and Academic Affairs, 503.399.5179 within 30 days of the final outcome
- The Vice President will review the original grievance, investigatory files, and appeal procedure.
- The Vice President will submit a response in writing within 30 days of the receipt of the filed complaint.
- The Vice President's decision is final and no additional internal steps for appeal are available.

Glossary:

- Advocate - A designated college employee who supports the student throughout the grievance process. An advocate is not legal representation and does not provide opinion on the proceedings. The advocate adheres to best practices as outlined in the grievance documents.

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- Appeal - A formal process requesting that the outcome of the grievance be reviewed.
- Complainant- The student who submits and signs the formal complaint of the alleged action of discrimination.
- Complaint- A formal action taken in response to an alleged act of discrimination.
- Employee- Individuals who are employed by or designated as volunteers.
- Investigator- A trained and impartial employee designated by the college.
- Parties - The Complainant and Respondent.
- Participant- Any witness or person involved in the process such as academic advisor, peer student, etc.
- Records -The official record is comprised of all files and associated information gathered during the investigation. This includes but is not limited to; videos, text messages, emails, witness reports, audio recordings, and transcripts.
- Respondent - The person who is alleged to have conducted the discriminatory action.
- Student- A person who is attending Chemeketa for any credit or non-credit course.

Other Reporting Options:

U.S. Department of Education, Office for Civil Rights,
Seattle Office
915 Second Avenue, Room 3310
Phone: 206.607.1600
Email: OCR.Seattle@ed.gov
Website: <http://www2.3e.gov/about/offices/list/ocr/index.html>

Disability Rights Oregon
511 SW 10th Avenue, Suite 200
Portland, OR 97205
Phone: 503.243.2081
Fax: 1.800.513.2321
Website: <https://www.droregon.org>

Oregon Bureau of Labor and Industries, Civil Rights Division
800 NE Oregon Street, Suite 1045
Portland, OR 97232
Phone: 971.673.0764
Email: help@boli.state.or.us
Website: www.oregon.gov/BOLI

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June 7, 2006; August 13, 2007
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