

**ROGUE COMMUNITY COLLEGE
GENERAL INFORMATION AND
ADMINISTRATIVE PROCEDURES**

Procedure: **GRIEVANCE PROCEDURES (AP-101)**

Contact: Director of Human Resources and Risk Management, Ext. 7017

1. INTRODUCTION

Rogue Community College prohibits discrimination based race, color, religion, ethnicity, use of native language, national origin, sex, sexual orientation, gender identity, marital status, veteran status, disability, age, pregnancy, or any other status protected under applicable federal, state, or local laws.

Students, employees, applicants, members of the college community, and persons attending college sponsored events who have complaints are encouraged to utilize the resources provided to resolve grievances. These procedures are established to provide for the prompt and equitable resolution of complaints.

2. PURPOSE

This procedure is designed to provide all members of the College community with a process for reporting incidents of discrimination or harassment, and to provide for prompt and effective response to and resolution of reports of discrimination or harassment. It supports the College's commitment to meaningful equal opportunity and diversity at the college.

3. RETALIATION

Retaliation against the complainant or any person who participates in the complaint process shall not be tolerated. The College will safeguard the complainant's rights against retaliation by taking prompt and appropriate corrective action when necessary. An individual who is subjected to retaliation (e.g. threats, intimidation, reprisals, or adverse employment or educational actions) for having made a report of discrimination or harassment in good faith, for having assisted someone with a report of harassment or discrimination, or for having participated in any manner in an investigation or resolution of a report of harassment or discrimination, is encouraged to make a report of retaliation under this procedure using this procedure.

4. TIMELINES

This procedure does not waive any statutory timelines for legal remedies available under the Civil Rights Act of 1964 as amended, or any other state or federal statutory timelines.

Individuals with complaints covered by this procedure have the right to file a complaint with the U.S. Department of Education Office of Civil Rights, the Equal Employment Opportunities Commission, or Oregon's Bureau of Labor and Industries:

[U.S. Dept. of Ed. OCR How to file a Discrimination Complaint](#) (link is external)
[Oregon Bureau of Labor & Industries Civil Rights Complaint Process](#) (link is external)

[Equal Employment Opportunity Commission Filing a Charge of Discrimination](#) (link is external)

The College encourages individuals to file complaints of inappropriate conduct, discrimination and/or harassment as close in time to the event as possible. Reports of incidents more than one year old may be more difficult for the College to investigate and remediate than reports received closer in time to the events. Although the College will accept all complaints under this procedure regardless of the date of the alleged misconduct, it will not investigate events that occurred more than twelve months prior to filing the complaint unless the alleged facts, if true, constitute a violation of an Oregon or federal statute.

The written formal complaint procedure is set up to take no more than sixty (60) days from the date the complaint investigation begins. Informal procedures may take less or more time to resolve.

“Days” as described in this procedure represent college business days.

5. IMPARTIAL PROCESS

Both the complainant and the respondent are entitled to a thorough and impartial investigation and decision-making process. The Risk Management Director, or designee, will assign an investigator to handle the complaint.

Any complainant or respondent who believes the designated investigator cannot be impartial should immediately notify the Risk Management Director of their concerns. Allegations of bias should be based on the individual's belief that the person alleged to be biased has had prior contact or prior significant involvement with an individual named in the complaint and that such contact or involvement prevents the person from assessing the facts impartially. Notice to the Risk Management Director that there is a concern regarding potential bias must be received within five (5) working days of the date the objecting participant is notified of the name of the designated investigator. If the Risk Management Director believes the objection has merit, the matter will be promptly re-assigned to another designated investigator. The Risk Management Director may reassign complaint responsibilities as needed on their own initiative on the basis of subsequently discovered facts or subsequently occurring events that present a presumption of bias or incapacity by the investigator.

6. CONFIDENTIALITY

The College will protect the privacy of individuals involved in a report of discrimination or harassment to the extent allowed by law and College policy. However, there may be times when disclosure of information is required. For example, when a written complaint is investigated, the respondent will receive a copy of the allegations, including the name of the individual(s) who filed the complaint, except when disclosure is prohibited by law or when grades are still pending for students. In all cases, efforts will be made to protect the privacy of individuals.

An individual who has made a report of discrimination or harassment may be advised of a sanction imposed against the respondent when the individual needs to be aware of the sanction in order for it to be fully effective (such as restrictions on communication or contact with the individual who made the report). However, information regarding disciplinary action taken against the respondent shall not be disclosed unless it is necessary to ensure compliance with the action or the safety of

individuals. Findings made pursuant to this procedure may be used as evidence in a disciplinary proceeding as permitted by the applicable labor-relations agreement and/or applicable College policy. Any student sanctions will be governed by the 'Student Rights, Freedoms and Responsibilities' procedures.

7. RECORDS

The only College record that will be kept of an informal complaint for early resolution will be by type of incident, department and the relationship of those involved. All records of the formal complaint process, including the complaint form and all reports and findings as well as all documentation concerning the post-complaint review processes, will be maintained by the Risk Management Department in a secure and confidential complaint file. Records of student-to-student harassment complaints will be maintained in a secure and confidential file in the office of the Student Compliance Coordinator. Records of employee involved harassment complaints will be maintained in a secure and confidential file in the Human Resources Department.

8. REPORTING DISCRIMINATION OR HARASSMENT

All members of Rogue Community College are encouraged to contact one of the persons listed below if they observe or encounter conduct that may violate the College's non-discrimination or harassment policies. Reports of discrimination or harassment may be made to any of the following persons.

General Non-Discrimination: Sara Moye, Director of Human Resources and Risk Management, 541-956-7017, Redwood Campus – M Building

Lead Title IX Coordinator: Curt Summerfeld, 541-956-7238, Redwood Campus – C Building

Deputy Title IX Coordinator for Students: Chauncey Kieley, 541-245-7632, Riverside Campus – G 223

Deputy Title IX Coordinator for Employees: Wendy Jones, 541-956-7146, Redwood Campus – M Building

ADA Coordinator (Students): Andrew Childress, 541-245-7692, Riverside Campus – B 09

ADA Coordinator (Employees/Applicants): Jamee Harrington, 541-956-7346, Redwood Campus – M Building

Anonymous Complaints

The College will respond to the extent possible to anonymous reports of discrimination or harassment or reports made by third parties not directly involved in the discrimination or harassment. However, the response to such reports may be limited if information contained in the reports cannot be verified by independent facts.

Options for Reporting

Complaints may be resolved using either the **informal** or **formal** reporting process. An informal report is appropriate when there is no dispute regarding the relevant facts and the parties desire to resolve the situation cooperatively. Informal reports may be appropriate for responding to anonymous reports and/or third party reports. The College encourages early resolution of a complaint. However, informal resolution is optional and the formal report process will be used when there is a factual dispute or if the complaint includes allegations of serious misconduct, such as reports of a pattern of inappropriate behavior, alleged criminal acts such as stalking, or physical assault, or allegations of violations of state or federal discrimination or harassment laws. The steps outlined in the formal report process may be substituted or supplemented by grievance procedures outlined in other applicable or associated policies so long as the requirements meet or exceed those listed below.

Informal Reports: Informal reports are intended to resolve concerns at the earliest stage possible. Informal resolution of complaints is optional. The use of the informal reporting process allows the responsible investigator to work directly and confidentially with the parties involved. Resolution of informal reports may include discussions with the parties, making recommendations for resolution, and conducting a follow-up review after a period of time to assure that the resolution has been implemented effectively.

What is the informal reporting process?

Step 1: Discuss the incident with one of the contact persons listed above. The contact persons identified have been trained in discrimination and harassment complaint procedures and will either handle the complaint directly or will refer to the appropriate contact person. Discussion of the incident(s) with a contact person can be arranged at a time and place on campus that is convenient for the complainant.

Step 2: Consider the informal options for early resolution that may be proposed by the contact person. In some situations, it may be possible for the concern to be resolved without the direct involvement of the complainant. Early resolution of informal reports could encompass a full range of possible appropriate outcomes including but not limited to: mediating an agreement between the parties; separating the parties; referring the parties to counseling programs; conducting targeted educational and training programs; or working with appropriate contact persons to provide remedies acceptable to the complainant.

Step 3: Decide on the course of action. If a complainant chooses to attempt to informally resolve the problem, the complainant and contact person must decide how to proceed. After discussing the incident with the contact person, the complainant may also decide to go no further with the complaint.

Step 4: Take the action decided upon. The contact person will inform the complainant and all parties with a right to know about the complaint concerning the actions taken to resolve the complaint through the informal process.

Step 5: If a complainant is not satisfied with the results of the informal resolution, the option to use the formal complaint process remains available.

Step 6: The contact person may review the informal complaint resolution at various post-complaint intervals of one, three and six months to confirm the effectiveness of the resolution in preventing discriminatory and/or harassing behavior and to ensure that the parties have not been subjected to any retaliatory behavior.

Step 7: The contact person will ensure that complaint information regarding the type of incident, department and the relationship of those involved in the informal complaint process is reported to the Risk Management Department.

Formal Reports: The Formal Report process will be used when the informal report for early resolution is inappropriate (e.g., when the facts are in dispute regarding allegations of serious misconduct or there are reports of a pattern of inappropriate behavior/alleged criminal acts such as stalking or physical assault) or in cases where the informal process is unsuccessful. The formal process involves a written statement of allegations and an independent investigation of the disputed facts.

What is the formal process?

Step 1: Complaint submission. Complainant submits a written complaint to the Risk Management Director (contact information listed above) describing the specific incident, including times, dates, locations, persons involved and any other pertinent information.

Step 2: College reviews complaint. Within five (5) working days of the date the complaint is received, the Risk Management Director will determine whether an investigation is necessary. Complaints will be investigated if they allege violations of the College's policies or procedures, or violations of state or federal discrimination and harassment laws.

Step 3: Notice to parties. Once it is determined that an investigation is necessary, the Risk Management Director will send a written notice to the complainant and the respondent. The notice to complainant will acknowledge receipt of the complaint; the notice to the respondent will include a copy of the written complaint. Both parties will be informed of the name of the assigned investigator, the time frame during which the investigation process will take place and a copy of the complaint procedure. For any College employee named in the complaint, the Risk Management Department will notify Human Resources. Human Resources will provide notice of the complaint to the employee's supervisor. Respondent employees who are subject to a collective bargaining agreement have a right to have a union representative present during investigatory meetings. Complainants have a right to have an advisor of their choice present during investigatory meetings.

Step 4: Investigation of disputed facts. The Risk Management Director will ensure that a timely investigation of the complaint is completed, will determine the scope of the investigation and may conduct the investigation or appoint another College investigator or appoint an outside investigator to be the investigator. The investigator's function is fact-finding. Decisions regarding the import and consequences, if any, of the confirmed facts will remain the responsibility of the Risk Management Director.

During the investigation process, the complainant and the respondent are not to contact each other. All parties to a complaint are expected to fully cooperate with any investigation in a timely manner. If the complainant refuses to cooperate, the complaint may be deemed withdrawn at the sole discretion of the Risk Management Director. If the respondent refuses to cooperate, the investigation will nevertheless continue as thoroughly as possible.

Step 5: Investigation Process. The investigation will include interviewing individuals having first-hand knowledge of the incident, including both the complainant and the respondent. Other evidence will be reviewed as determined appropriate by the investigator and the Risk Management Director. Disclosure of facts to parties and witnesses will include all information that is reasonably necessary to conduct a fair and thorough investigation. The respondent will be given the opportunity to respond to any new allegations that emerge during the course of

the investigation. Participants in an investigation will be advised that maintaining confidentiality is essential to protect the integrity of the investigation. The statements of witnesses contained in the investigator's report will be kept as confidential as possible. The investigator, if it is someone other than the Risk Management Director, will prepare a summary of the facts for the Risk Management Director. All persons interviewed by the investigator will be provided the opportunity to review the investigator's record of their own statements before the final report is prepared. If the Risk Management Director determines that additional investigation is required, the Risk Management Director will inform the parties to the complaint in writing of any extension of timelines, the names of any additional witnesses to be interviewed, and will advise the complainant and the respondent concerning any other timeline changes that will be necessary as the result of this extension.

Step 6: Notice of Findings. Within sixty (60) working days of the date of receipt of the Formal Complaint Form, the Risk Management Director will provide written notice of findings of facts to all parties to the complaint. The notice of findings will include a description of the complaint process; an explanation of the findings of fact; and whether the facts constitute a violation of any college harassment and discrimination policies or other policies. The respondent will be informed of any recommended remedial actions to be taken. The complainant will be informed only of those remedial actions that are directly related to the complainant (such as an order of no contact). The complainant may generally be informed that the matter has been referred for disciplinary action, but shall not be informed of any specific disciplinary action unless such information is necessary in order to assure compliance with the findings and recommendations. Either the complainant or the respondent may request a meeting with the Risk Management Director following receipt of the Risk Management Director's written notice of findings.

Step 7: The complaint file. After the complainant and the respondent have been notified of the Risk Management Director's findings, the Risk Management Director will hold the official complaint file pending notice of appeal. If there is no notice of appeal submitted within five (5) working days of the Risk Management Director's notification, the Risk Management Director will confirm the findings of the official complaint file. When a violation of discrimination and harassment policies is substantiated in a final decision, the Risk Management Director's findings will include a recommendation for appropriate remedial action.

9. PROCEDURAL APPEAL PROCESS

Either the complainant or the respondent may file an appeal of the Risk Management Director's written notice of findings. An appeal on the record of the Risk Management Director's findings is limited in scope to whether the College followed its own process. **Any appeal must be submitted in writing to the President within ten (10) working days of the date of the Risk Management Director's written notice of findings.** This appeal must allege a procedural violation. **The appeals process is not for the purpose of disputing the Risk Management Director's findings.** It is the President's responsibility to make sure that the process was followed and the investigation was conducted fairly for all parties involved. No new evidence may be submitted through the appeals process.

Step 1: Upon receipt of the written request for an appeal, the President will conduct a confidential administrative review hearing within ten (10) working days. The President will form a committee to conduct the hearing. Normally, the official record will include the following items: the original complaint; the investigator's report (including statements of witnesses) and the Risk Management Director's notice of findings and remedies. Before adjourning to

executive session for its deliberations, the hearings committee may invite brief written or verbal statements from the complainant and the respondent. The hearings will not include new witnesses or statements from other parties. Both the complainant and the respondent may bring one representative or support person (e.g., a union representative if the complainant or the respondent is represented by a union) to the administrative review hearing for support and advice. Confidentiality will be maintained to the greatest extent allowed by law with regard to the hearing and the complaint. The hearings committee may develop additional procedural guidelines that are not in conflict with this procedure of which the complainant and the respondent will be notified in advance.

Step 2: The hearings committee will have up to five (5) working days from the date of the hearing to submit a written report of its findings to the President. The findings will address the Risk Management Director's application of harassment/discrimination policies and law to the facts of the situation. The review is limited to whether or not the College properly followed the complaint procedure. If the hearings committee finds that the complaint procedure was not followed, the hearings committee may recommend that the investigation be corrected. The hearings committee will not conduct this procedural correction.

Step 3: The President will, within ten (10) working days, make a final decision about the complaint, and will inform the complainant, respondent, and the Risk Management Director of the final decision.

Step 4: Procedural corrections, if any, will be implemented by the Risk Management Director or the designated investigator. When complete, the official complaint file will be stored by Risk Management in a secure, confidential file.