

**HARASSMENT/DISCRIMINATION COMPLAINT**

**Prior to Filing a Complaint:** 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 Complaint:** Any employee, student, or member of the general public who believe to have been negatively impacted by a violation of this policy by any individual to whom this policy applies can file a complaint.

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 **vice president of Student Affairs**
- The **general counsel**

Additional information can be found on the Chemeketa website.

The following information must be provided to file a complaint:

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 complaint 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, vice president of Student Affairs, or general counsel** will assume the duties of the **associate vice president of Human Resources**. An informal resolution to the complaint may be pursued.

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

**HARASSMENT/DISCRIMINATION COMPLAINT (Continued)****Rights of Appeal: 1. Students**

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 Student Affairs 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 Student Affairs' 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, 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.

**HARASSMENT/DISCRIMINATION COMPLAINT (Continued)**

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 the 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.**

October 4, 2000

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*Adopted by College Council*

June 7, 2006; August 13, 2007

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*Revised*

April 25, 2012; March 19, 2021

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*Revised by College Executive Administration*