

**Board Policy Committee Meeting
01.08.2025**

For 1st Reading at January 9, 2025 Board Meeting

- **BP 3430 Prohibition of Harassment** – This policy was revised to update a reference to BP 3433 Prohibition of Sex Discrimination under Title IX. **(legally required)** *Approved for 2nd reading at the November 13 Joint Policies and Procedures Committee*
- **BP 3433 Prohibition of Sex Discrimination under Title IX** – This policy was revised to update the title and align with the requirements of the 2024 Title IX regulations. **(legally required)** *Approved for 2nd reading at the November 13 Joint Policies and Procedures Committee*
 - **AP 3433 Prohibition of Sex Discrimination under Title IX** – This procedure was revised to update the title, add a definition for sex discrimination under Title IX, and revise the definition of sex-based harassment under Title IX to align with the requirements of the 2024 Title IX regulations. **(legally required)** *Approved for 2nd reading at the November 13 Joint Policies and Procedures Committee*
 - **AP 3435 Discrimination and Harassment Complaints and Investigations** – This procedure was revised to update references to BP 3433 Prohibition of Sex Discrimination under Title IX, AP 3433 Prohibition of Sex Discrimination under Title IX, and AP 3434 Responding to Sex Discrimination under Title IX. **(legally required)** *Approved for 2nd reading at the November 13 Joint Policies and Procedures Committee*
- **BP 3540 Sexual and Other Assaults on Campus** – The Program updated this policy to apply to victims of domestic violence to align to current law. **(legally required)** *Approved for 2nd reading at the November 13 Joint Policies and Procedures Committee*
 - **AP 3540 Sexual and Other Assaults on Campus** – This procedure was revised to update references to AP 3434 Responding to Sex Discrimination under Title IX. **(legally required)** *Approved for 2nd reading at the November 13 Joint Policies and Procedures Committee*

For 2nd Reading and Adoption at January 9, 2025 Board Meeting

- **BP 2200 Board of Education Duties and Responsibilities** **(recommended as good practice)**
 - **AP 2200 Board of Education Duties and Responsibilities** **(recommended as good practice)**
- **BP 2435 Evaluation of the President** **(recommended as good practice)**
- **BP 7145 Personnel Files** **(recommended as good practice)**
- **BP 2320 Special and Emergency Meetings** **(legally advised)**
- **BP 2315 Closed/Executive Sessions** **(legally advised)**
- **BP 2110 Vacancies on the Board of Education** **(legally advised)**

Relevant language: The board shall declare the office of a board member vacant if it finds any of the following:

- The incumbent has died or resigned.
 - The incumbent has been removed or recalled from office or the election of the incumbent thereto has been declared void by the judgment of a court.
 - The incumbent has ceased to be a resident of the district from which the incumbent was nominated or elected.
 - The incumbent has ceased to discharge the duties of office for two consecutive months unless prevented therefrom by sickness or other unavoidable cause or unless excused by the chairperson of the board.
- **AP 2110 Vacancies on the Board of Education**

For Discussion

- **AP 2720 Communications Among Board Members – adopted in 2018 (pre-COVID, pre-Zoom)**

The Board of Education will adhere to the following in carrying out the responsibilities of the Board:

1. Request for information – any individual Board member who desires a written report or survey prepared by the administrative staff will make such a request to the President. A copy of the material will be provided/made available to each Board member.
 2. Request for Legal Opinions – Any Board member may request a legal opinion. Such request, however, shall be made at a regular Board meeting, or through the Board Chair to the President. If the legal opinion sought involves the President's employment or performance, the request should be made to the Board Chair. Legal counsel represents the College and is responsible to the Board.
 3. Action on Complaints or Requests Made to Board Members – When Board members receive complaints or requests for action from staff, students or members of the public, such information is to be conveyed to the Board Chair and President for action, where appropriate.
 4. Board Member Relationship to Administration – Individual Board members may be informed about the College's educational program, may visit the College or other facilities to gain information and may request information from the President. Board members will not individually intervene in the administration of the College
 5. Contracts Made by Individual Board Members – Individual Board members may NOT engage in contracts on behalf of the Board.
 6. Attendance – Board members are expected to attend all regular Board meetings, work sessions, retreats, and other official meeting of the Board in person. Although it may be necessary at times for one or more Board member to attend via phone or other distance mediated technology, it is understood that this will be the exception and is subject to approval by the Board.
 7. Use of Email and other technological devices is only for one-way sharing of information between Board members or in response to administrative inquiries. Email communications are public records and are subject to the requirements of Public Records Laws.
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BP 3430 Prohibition of Harassment

References:

Title VII of the Civil Rights Act of 1964, 42 U.S. Code Section 2000e-2

Title IX of the Education Amendments Act of 1972; 20 U.S. Code

Sections 1681 et seq;

Age Discrimination in Employment Act of 1967 (ADEA);

Americans with Disabilities Act of 1990 (ADA);

34 Code of Federal Regulations Part 106;

ORS 659A

[ORS 350.330](#);

ORS 243.[319](#)

All forms of harassment are contrary to basic standards of conduct between individuals. State and federal law, and this policy prohibit harassment and the College will not tolerate harassment. This policy applies to all members of the College community including Board of Education members, employees, students, volunteers, and interns.

The College is committed to providing an academic and work environment that respects the dignity of individuals and groups. The College shall be free of all forms of unlawful harassment. Harassment is unlawful if it is based on any of the following protected classes which are defined under Oregon law: race, color, religion, sex (including pregnancy), sexual orientation, gender identity, national origin, marital status, age (18 years of age and older), disability, expunged juvenile record, or familial status. Oregon law defines race to include “physical characteristics that are historically associated with race, including but not limited to natural hair, hair texture, hair type, and protective hairstyles as defined in ORS 659A.001.” For the College’s policy regarding [sexual-sex discrimination including sex-based](#) harassment under Title IX, see BP 3433 Prohibition of [Sexual Harassment Sex Discrimination](#) under Title IX and accompanying procedures.

The College seeks to foster an environment in which employees, students, and other members of the campus community feel free to report incidents of harassment without fear of retaliation or reprisal. Therefore, the College also strictly prohibits retaliation against any individual for filing a complaint of harassment or for participating in a harassment investigation. Such conduct is illegal and constitutes a violation of this policy. The College will investigate all allegations of retaliation swiftly and thoroughly. If the College determines that someone has retaliated, it will take all reasonable steps within its power to stop such conduct. Individuals who engage in retaliatory conduct are subject to disciplinary action, up to and including termination or expulsion.



Any student, employee, or other member of the campus community who believes that he/she/they has been harassed or retaliated against in violation of this policy should immediately report such incidents by following the procedures described in AP 3435 Discrimination and Harassment Complaints and Investigations and AP 3432 Workplace Harassment. The College requires supervisors to report all incidents of harassment and retaliation that come to their attention.

This policy applies to all aspects of the academic environment, including but not limited to classroom conditions, grades, academic standing, employment opportunities, scholarships, recommendations, disciplinary actions, and participation in any community college activity. In addition, this policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, evaluation, disciplinary action, layoff, recall, transfer, leave of absence, training opportunities and compensation.

To this end the President shall ensure that the institution undertakes education and training activities to counter harassment and to prevent, minimize, or eliminate any hostile environment that impairs access to equal education opportunity or impacts the terms and conditions of employment.

The President shall establish procedures that define harassment on campus. The President shall further establish procedures for employees and students, and other members of the campus community that provide for the investigation and resolution of complaints regarding harassment and discrimination, and procedures for students to resolve complaints of harassment and discrimination. State and federal law and this policy prohibit retaliatory acts by the College, its employees, students, and agents.

The College will publish and publicize this policy and related written procedures (including the procedure for making complaints) to students and employees, particularly when they are new to the institution. The College will make this policy and related written procedures (including the procedure for making complaints) available in all administrative offices and will post them on the College's website.

Employees who violate the policy and procedures may be subject to disciplinary action up to and including termination. Students who violate this policy and related procedures may be subject to disciplinary measures up to and including expulsion.

END OF POLICY

Joint BP/AP Committee Approval Date: ~~January 30, 2023~~ November 13, 2024
Board Adoption Date: April 11, 2023
Last Revised: April 11, 2023

AP 3433 Prohibition of ~~Sexual Harassment~~ Sex Discrimination under Title IX

References:

Title IX Education Amendments of 1972;
Title VII of the Civil Rights Act of 1964, 42 U.S. Code Annotated Section 2000e
34 Code of Federal Regulations Part 106
AP 3434

The College is committed to providing an academic and work environment free of unlawful ~~sexual harassment~~ sex discrimination, including sex-based harassment, under Title IX. This procedure defines ~~sexual harassment sex discrimination and sex-based harassment on campus~~.

This procedure and the related policy protects students, employees, applicants for admission or employment, and other individuals participating or attempting to participate in the College's education program or activity, ~~in connection with all the academic, educational, extracurricular, athletic, and other programs of the College whether those programs take place in the College's facilities, a College bus, or at a class or training program sponsored by the College at another location.~~

Definitions

Sex Discrimination: ~~any discrimination based on sex, including, but not limited to, sex-based harassment. Sex discrimination includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.~~

~~Sexual~~ Sex-based Harassment under Title IX: ~~Conduct that satisfies one or more of the following: A form of sex discrimination that includes sexual harassment and harassment based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, or gender identity. Sex-based harassment includes the following:~~

- Quid pro quo harassment. A College employee, agent, or other person authorized by the College to provide conditions the provision of an aid, benefit, or service ~~of under the College's education program or activity~~ explicitly or impliedly condition the provision of such an aid, benefit, or services on an individual's a person's participation in unwelcome sexual conduct (*quid pro quo* harassment);
- Hostile environment harassment. Unwelcome sex-based conduct that, based on a totality of the circumstances, is subjectively and objectively offensive and is determined by a reasonable person to be so severe, or pervasive that it limited or denies a person's ability to participate in or

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~~benefit from, and objectively offensive that it effectively denies a person equal access to~~ the College's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- ~~The degree to which the conduct affected the Complainant's ability to access the College's education program of activity;~~
- ~~The type, frequency, and duration of the conduct;~~
- ~~The parties' ages, roles within the college's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;~~
- ~~The location of the conduct and the context in which the conduct occurred; and~~
- ~~Other sex-based harassment in the College's education program or activity;~~
- Sexual assault, including the following:
 - **Sex Offenses.** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
 - **Rape** (except Statutory Rape). The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity. There is carnal knowledge if there is the slightest penetration of the genital or anal opening of the body of another person.
 - **Statutory Rape.** ~~Sexual intercourse with a person who is under the statutory age of consent. There is no force or coercion used in Statutory Rape; the act is not an attack.~~
 - ~~Sodomy. Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity.~~
 - **Sexual Assault with an Object.** To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the

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victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything the offender uses other than the offender's genitalia, e.g., a finger, bottle, handgun, stick.

- **Fondling.** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity.

~~○ **Sex Offenses, Non-Forcible Unlawful, Non-Forcible Sexual Intercourse.**~~

- **Incest.** Non-Forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

- ~~**Statutory Rape – Non-Forcible.** Sexual intercourse with a person who is under the statutory age of consent. There is no force or coercion used in Statutory Rape; the act is not an attack.~~

- **Dating violence.** Violence against a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where. ~~The~~ existence of a relationship will be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

○ **Domestic Violence.** Violence committed:

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of Oregon or
- By any other person against an adult or youth victim protected from that person's acts under the domestic or family violence laws of Oregon.

- **Stalking.** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her/their safety or the safety of others or suffer substantial emotional distress.

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Administrative Procedure

END OF PROCEDURE

President's Cabinet Approval Date: August 4, 2020
College Council Approval Date: August 4, 2020
Last Revised: August 4, 2020

NEW 7/20

Teena/Rinda approve for 2nd reading 11.13.24
Approved unanimously

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AP 3435 Discrimination and Harassment Complaints and Investigations

References:

Title VII of the Civil Rights Act of 1964; 42 U.S. Code Sections 2000e et seq.; Equal Employment Opportunity Commission (EEOC) Notice 915.002 (dated June 18, 1999);
ORS 659A;
ORS 659.850 to 659.860, OAR Chapter 715, Div 11 (Student complaints);
~~Chapter 451, Oregon 2019 Laws~~[ORS 350.330](#) (Sexual harassment policies);
ORS 243.[319](#)

For ~~sexual harassment sex discrimination~~ under Title IX, Complainants must proceed under BP 3433 Prohibition of ~~Sexual Harassment Sex Discrimination~~ under Title IX, AP 3433 Prohibition of ~~Sexual Harassment Sex Discrimination~~-under Title IX, and AP 3434 Responding to ~~Harassment Based on Sex Discrimination~~ under Title IX. For other forms of ~~sexual harassment discrimination and or gender-based~~ harassment, Complainants should use this procedure.

Complaints: Any person who has suffered harassment, discrimination, or retaliation may file a complaint of harassment, discrimination, or retaliation. Complainants are encouraged to report harassment before it becomes severe or pervasive. The College strives to stop harassment before it rises to the level of a violation of state or federal law.

Jurisdiction: College is required under Oregon law to respond to complaints to any complaint received by the college, regardless of whether the incident occurred on the campus or elsewhere, that relates to: (A) Sexual harassment; (B) Sexual assault; (C) Domestic violence; (D) Dating violence; or (E) Stalking.

Retaliation: Persons who make complaints of harassment or provide information related to such complaints will be protected against retaliation. The College will take all reasonable steps to protect the Complainant from further harassment or discrimination.

Employment-Related Complaints: The Title IX Coordinator is the person charged with receiving complaints of discrimination or harassment, and coordinating their investigation. The actual investigation of complaints may be assigned the Title IX Coordinator to other College staff or to outside persons or organizations under contract with the College. At a minimum, the investigation will be assigned to other College staff or outside investigators whenever the Title IX Coordinator is named in the complaint or implicated by the allegations in the complaint.

Who May File a Complaint: Any student, employee, or third party who believes he/she/they has been discriminated against or harassed by a student, employee, or third party in violation of this procedure and the related policy.

Where to File a Complaint: An employee who believes he/she/they has been discriminated against or harassed in violation of these policy and procedures may make a complaint orally or in writing.

A Complainant may file a complaint against the College with any of the following:

- the Title IX Coordinator; or
- the Deputy Title IX Coordinator; or
- the Chief Student Services Officer; or
- the President

Complainants filing employment-related complaints shall be notified that they may file employment discrimination complaints with the U.S. Equal Employment Opportunity Commission (EEOC) or through the Oregon Bureau of Labor and Industries (BOLI) complaint resolution process.

An employee or claimant must provide advance notice of a claim against the employer as required by the Oregon Tort Claims Act (ORS 30.275).

Any College employee who receives a harassment or discrimination complaint shall notify the Title IX Coordinator immediately.

Filing a Timely Complaint: Since failure to report harassment and discrimination impedes the College's ability to stop the behavior, the College strongly encourages anyone who believes they are being harassed or discriminated against, to file a complaint. The College also strongly encourages the filing of such complaints within 30 days of the alleged incident. While all complaints are taken seriously and will be investigated promptly, delay in filing impedes the College's ability to investigate and remediate.

All supervisors and managers have a mandatory duty to report incidents of harassment and discrimination; the existence of a hostile, offensive or intimidating work environment, and acts of retaliation.

The College will investigate complaints involving acts that occur off campus if they are related to an academic or work activity or if the harassing conduct interferes with or limits a student's or employee's ability to participate in or benefit from the school's programs or activities.

Communicating that the Conduct is Unwelcome: The College further encourages, but does not require, students and employees to let the offending person know immediately and firmly that the conduct or behavior is unwelcome, offensive, in poor taste or inappropriate.

Intake and Processing of the Complaint: Upon receiving notification of a harassment or discrimination complaint, the Title IX Coordinator shall:

- Undertake efforts to informally resolve the charges, including but not limited to mediation, rearrangement of work or academic schedules, obtaining apologies, providing informal counseling, training, etc.
- Advise all parties that he/she/they need not participate in an informal resolution of the complaint, as described above, and they have the right to end the informal resolution process at any time.
- Advise student Complainants that they may file a complaint with the Office for Civil Rights of the U.S. Department of Education and employee Complainants may file a complaint with the Oregon Bureau of Labor and Industries (BOLI) or the Equal Employment Opportunity Commission (EEOC). All Complainants should be advised that they have a right to file a complaint with local law enforcement, if the act complained of is also a criminal act. The College must investigate even if the complainant files a complaint with local law enforcement. In addition, the College should ensure that Complainants are aware of any available resources, such as counseling, health, and mental health services.
- Take interim steps to protect a Complainant from coming into contact with the alleged perpetrator, especially if the Complainant is a victim of sexual violence. The Title IX Coordinator or designee should notify the complainant of his/her options to avoid contact with the alleged perpetrator. For instance, the College may prohibit the alleged perpetrator from having any contact with the Complainant pending the results of the investigation. When taking steps to separate the Complainant and the alleged perpetrator, the College shall minimize the burden on the Complainant.

Investigation of the Complaint: The College shall conduct a prompt, thorough, and impartial investigation into every complaint and claim of harassment or discrimination. No claim of workplace or academic harassment or discrimination shall remain unexamined. This includes complaints involving activities that occur off campus and in connection with all the academic, educational, extracurricular, athletic, and other programs of the College whether those programs take place in the College's facilities, on a College bus, or at a class or training program sponsored by the College at another location. The College shall promptly investigate complaints of harassment or discrimination that occur off campus if the alleged conduct creates a hostile environment on campus.

The College will keep the investigation confidential to the extent possible, but cannot guarantee absolute confidentiality because release of some information on a “need-to-know-basis” is essential to a thorough investigation. When determining whether to maintain confidentiality, the College may weigh the request for confidentiality against the seriousness of the alleged harassment, the Complainant’s age, whether there have been other harassment complaints about the same individual, and the alleged perpetrator’s rights to receive information about the allegations if the information is maintained by the College as an “education record” under the Family Educational Rights and Privacy Act (FERPA), 20 U.S. Code Section 1232g; 34 Code Federal Regulations Part 99.15. The College will inform the Complainant if it cannot maintain confidentiality.

Investigation Steps: the College will fairly and objectively investigate harassment and discrimination complaints. Employees designated to serve as investigators under this policy shall have adequate training on what constitutes sexual harassment, including sexual violence, and that they understand how the College’s grievance procedures operate. The investigator cannot have any real or perceived conflicts of interest and must be able to investigate the allegations impartially.

Investigators will use the following steps: interviewing the Complainant(s); interviewing the accused individual(s); identifying and interviewing witnesses and evidence identified by each Party; identifying and interviewing any other witnesses, if needed; reminding all individuals interviewed of the College’s no-retaliation policy; considering whether any involved person should be removed from the campus pending completion of the investigation; reviewing personnel/academic files of all involved Parties; reach a conclusion as to the allegations and any appropriate disciplinary and remedial action; and see that all recommended action is carried out in a timely fashion. When the College evaluates the complaint, it shall do so using a preponderance of the evidence standard. Thus, after considering all the evidence it has gathered, the College will decide whether it is more likely than not that discrimination or harassment has occurred.

If there are conflicting versions of relevant events, the College’s investigator will weigh each Party’s credibility. Factors that will be considered in determining credibility include: inherent plausibility; demeanor; motive to falsify; corroboration; and past record.

Timeline for Completion: The College will undertake its investigation as promptly and swiftly as possible. To that end, the investigator shall complete the above steps, and prepare a written report within 90 days of the College receiving the complaint. The Title IX Coordinator may extend this time period upon notification of all parties if it is deemed necessary.

Cooperation Encouraged: All employees will cooperate with a College investigation into allegations of harassment or discrimination. Lack of cooperation impedes the ability of the College to investigate thoroughly and respond effectively. However, lack of cooperation by a Complainant or witnesses does not relieve the College of its obligation

to investigate. The College will conduct an investigation if it is discovered that harassment is, or may be occurring, with or without the cooperation of the alleged victim(s) and regardless of whether a complaint is filed.

Written Report: The results of the investigation of a complaint shall be set forth in a written report that will include at least all of the following information:

- A description of the circumstances giving rise to the complaint;
- A description of the procedural steps taken during the investigation, including all individuals contacted and interviewed;
- A summary of the testimony provided by each witness the investigator interviewed;
- An analysis of relevant evidence collected during the course of the investigation including a list of relevant documents;
- A specific finding as to whether there is probable cause to believe that discrimination, harassment, or retaliation occurred with respect to each allegation in the complaint;
- A table of contents if the report exceeds ten pages; and
- Any other information deemed appropriate by the College.

Reaching a Determination: Once the Hearing Officer/Adjudicator receives the investigative report, he/she/they, will make a determination as to whether harassment or discrimination occurred.

Discipline and Corrective Action

If harassment, discrimination or retaliation occurred in violation of the policy or procedure, the College shall take disciplinary action against the alleged perpetrator and any other remedial action it determines to be appropriate consistent with State and federal law. The action will be prompt, effective, and commensurate with the severity of the conduct. Remedies for the Complainant might include, but are not limited to:

- providing an escort for the Complainant between the parking lot and his/her/their workplace or classroom office;
- ensuring that the Complainant and alleged perpetrator do not attend the same classes or work in the same work area;

- preventing offending third parties from entering campus;
- providing counseling services or a referral to counseling services;
- providing medical services or a referral to medical services;
- providing academic support services, such as tutoring;
- arranging for a student-Complainant to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the Complainant's academic record; and
- reviewing any disciplinary actions taken against the Complainant to see if there is a causal connection between the harassment and the misconduct that may have resulted in the Complainant being disciplined.

If the College imposes discipline, the nature of the discipline will not be communicated to the Complainant. However, the College may disclose information about the sanction imposed on an individual who was found to have engaged in harassment when the sanction directly relates to the Complainant; for example, the College may inform the Complainant that the harasser must stay away from the Complainant.

In the case of a crime of violence or a non-forcible sex offense, and the alleged perpetrator is a student, the final results of any disciplinary proceeding conducted by the College against the alleged perpetrator may be disclosed to the complainant, if the College determines as a result of the disciplinary proceedings, the student violated the College's rules or policies. The final results of any disciplinary proceeding include only the name of the student, the violation committed, and any sanction imposed by the institution on that student.

Disciplinary actions against faculty, staff, and students will conform to all relevant statutes, regulations, personnel policies and procedures, including the provisions of any applicable collective bargaining agreement.

The College will ensure that Complainants and witnesses know how to report any subsequent problems, and the Title IX Coordinator should follow-up with complainants to determine whether any retaliation or new incidents of harassment have occurred.

If the College cannot take disciplinary action against the accused individual because the Complainant refuses to participate in the investigation, it should pursue other steps to limit the effects of the alleged harassment and prevent its recurrence.

Appeals

If the College imposes discipline against a student or employee as a result of the findings in its investigation, the student or employee may appeal the decision using the procedure for appealing a disciplinary decision.

If the Complainant is not satisfied with the results of the administrative determination, he/she/they may, within 15 days, submit a written appeal to the Board of Education. The Board of Education shall review the original complaint, the investigative report, the administrative decision, and the appeal. The Board of Education shall issue a final *College* decision in the matter within 45 days after receiving the appeal. A copy of the decision rendered by the Board of Education shall be forwarded to the Complainant. The complainant shall also be notified of his/her right to appeal this decision.

File Retention

The College will retain on file for a period of at least three (3) years after closing the case copies of:

- the original complaint;
- the investigatory report;
- the summary of the report if one is prepared;
- the notice provided to the Parties, of the College's administrative determination and the right to appeal;
- any appeal; and
- the College's final decision.

Dissemination of Policy and Procedures

The College's board policy and administrative procedures related to harassment will include information that specifically addresses sexual violence. The College's board policy and administrative procedures will be provided to all students, faculty members, members of the administrative staff, and members of the support staff, and will be posted conspicuously around campus and on the College's website.

When hired, employees are required to sign that they have received the policy and procedures, and the signed acknowledgment of receipt is placed in each employee's personnel file. In addition, these policies and procedures are incorporated into the College's course catalogs and orientation materials for new students.

Training

The College will provide training to all employees. This includes counselors, faculty, officers, coaches, and all staff who regularly interact with students. Training for academic staff should emphasize environmental harassment in the classroom. The College will also provide training to students who lead student organizations.

In years in which a substantive policy or procedural change has occurred, all College employees will attend a training update or receive a copy of the revised policies and procedures.

Participants in training programs will be required to sign a statement that they have either understood the policies and procedures, their responsibilities, and their own and the College's potential liability, or that they did not understand the policy and desire further training.

Education and Prevention for Students

In order to take proactive measures to prevent sexual harassment and violence toward students, the College will provide preventive education programs and make victim resources, including comprehensive victim services, available. The College will include such programs in their orientation programs for new students, and in training for student athletes and coaches. These programs will include discussion of what constitutes sexual harassment and sexual violence, the College's policies and disciplinary procedures, and the consequences of violating these policies. A training program or informational services will be made available to all students at least once annually.

The education programs will also include information aimed at encouraging students to report incidents of sexual violence to the appropriate College and law enforcement authorities. Since victims or third parties may be deterred from reporting incidents if alcohol, drugs, or other violations of College or campus rules were involved, the College will inform students that the primary concern is for student safety and that use of alcohol or drugs never makes the victim at fault for sexual violence. If other rules are violated, the College will address such violations separately from an allegation of sexual violence.

~~President's Cabinet Approval Date: August 4, 2020~~

~~College Council Approval Date: August 4, 2020~~

Joint Policies and Procedures Committee Approval Date: November 13, 2024

Last Revised: ~~August 4, 2020~~ November 13, 2024

~~Rescinds: AP 3435 (Approved 09/11/2018)~~

BP 3540 Sexual and Other Assaults

References:

20 U.S. Code Section 1092 subdivision (f);
34 Code of Federal Regulations Part 668.46 subdivision (b)(11)
ORS 350.~~331~~255

Any sexual assault or physical abuse or domestic violence, including, but not limited to rape as defined by State law, whether committed by an employee, student, or member of the public, that occurs on College property, is a violation of College policies and procedures, and is subject to all applicable punishment, including criminal procedures, and employee or student discipline procedures consistent with State and federal law. Students, and employees, ~~and campus visitors~~ who may be victims of sexual and other assaults and domestic violence shall be treated with dignity and provided comprehensive assistance.

The President shall establish administrative procedures that ensure that students, and employees, ~~and campus visitors~~ who are victims of sexual and other assaults and domestic violence receive appropriate information and treatment. The President will make educational information about preventing sexual violence is widely available on campus.

The procedures shall meet the criteria contained in 34 Code of Federal Regulations Part 668.46 and ORS 350.~~331~~255.

END OF POLICY

~~President's Cabinet Approval Date: August 4, 2020~~
~~College Council Approval Date: August 4, 2020~~
Joint Policies and Procedures Committee Approval: November 13, 2024
Board Adoption Date: September 11, 2018
Last Revised: August 12, 2020

AP 3540 Sexual and Other Assaults on Campus

References:

- 20 U.S. Code Section 1092 subdivision(f);
- 34 Code of Federal Regulations Part 668.46 subdivision (b)(11);
- 42 U.S. Code Section 13925 subdivision (a)
- ORS 350.~~330255~~ to 350.~~332257~~

Any sexual assault or physical abuse, including, but not limited to, rape, domestic violence, dating violence, sexual assault, or stalking, whether committed by an employee, student, or member of the public, occurring on College property, in connection with all the academic, educational, extracurricular, athletic, and other programs of the College, whether those programs take place in the College's facilities or at another location, or on an off-campus site or facility maintained by the College, or on grounds or facilities maintained by a student organization, is a violation of College policies and regulations, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. (Also see AP 5500 Standards of Student Conduct.)

"Sexual assault," "dating violence," "domestic violence," and "stalking" are defined in Administrative Procedure 3434 – Responding to ~~Harassment Based on Sex Discrimination~~ under Title IX.

These written procedures and protocols are designed to ensure victims of domestic violence, dating violence, sexual assault, or stalking receive treatment and information. (For physical assaults/violence, also see AP 3500 Campus Safety, AP 3510 Workplace Violence, and AP 3515 Reporting of Crimes.)

All students, faculty members or staff members who allege they are the victims of domestic violence, dating violence, sexual assault or stalking on College property shall be provided with information regarding options and assistance available to them. Information shall be available from the Office of the Vice President, Student Success or Human Resources which shall maintain the identity and other information about alleged sexual assault victims as confidential unless and until the Title IX Coordinator is authorized to release such information.

The Title IX Coordinator shall provide all alleged victims of domestic violence, dating violence referral to an external counseling center; , sexual assault, or stalking with the following:

- A copy of the College's policy and procedure regarding domestic violence, dating violence, sexual assault, or stalking;
- A list of personnel on campus who should be notified and procedures for such notification, if the alleged victim consents; Vice President, Finance and Operations, Vice President, Student Success, Vice President, Academic Affairs, Director, Physical Plant, Director, Communications and Marketing, and College Counselor.

- Information about the importance of preserving evidence and the identification and location of witnesses;
- A description of available services, and the persons on campus available to provide those services if requested. Services and those responsible for provided or arranging them include:
 - transportation to a hospital, if necessary, by the Student Services Office;
 - counseling by the College Counseling Center, or
 - a list of other available campus resources or appropriate off-campus resources from the Office of Human Resources or Student Services Office;
- The victim's option to: (Office of Human Resources or Student Services Office)
 - notify proper law enforcement authorities, including local police;
 - be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and
 - decline to notify such authorities;
- The rights of victims and the institution's responsibilities regarding orders of protection, no contact orders, or similar lawful orders issued by a court (Office of Human Resources or Student Services Office);
- Information about how the College will protect the confidentiality of victims (Office of Human Resources or Student Services Office); and
- Written notification of victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if requested and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement. (Office of Human Resources or Student Services Office)
- A description of each of the following procedures (Office of Human Resources or Student Services Office):
 - criminal prosecution;
 - civil prosecution (i.e., lawsuit);
 - College disciplinary procedures, both student and employee;
 - modification of class schedules;
 - tutoring, if necessary.

The College will investigate all complaints alleging sexual assault under the procedures for sexual harassment investigations described in AP 3434 – Responding to ~~Harassment Based on~~ Sex Discrimination under Title IX, regardless of whether a complaint is filed with local law enforcement.

All alleged victims of domestic violence, dating violence, sexual assault, or stalking on College property shall be kept informed, through the Title IX Coordinator of any ongoing investigation. Information shall include the status of any student or employee disciplinary proceedings or appeal; alleged victims of domestic violence, dating violence, sexual assault, or stalking are required to maintain any such information in confidence, unless the alleged assailant has waived rights to confidentiality consistent with State and federal law.

A Complainant or witness who participates in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for a violation of the College's student conduct policy at or near the time of the incident, unless the College determines that the violation was egregious, including but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic honesty.

The College shall maintain the identity of any alleged victim, witness, or third-party reporter of domestic violence, dating violence, sexual assault, or stalking on College property, as defined above, in confidence consistent with State and federal law, unless the alleged victim, witness, or third-party reporter specifically waives that right to confidentiality. All inquiries from reporters or other media representatives about alleged domestic violence, dating violence, sexual assaults, or stalking on College property shall be referred to the College's Communications and Marketing office which shall work with the Title IX Coordinator and the Vice President, Student Services as appropriate to assure that all confidentiality rights are maintained consistent with State and federal law.

Additionally, the Annual Security Report will include a statement regarding the College's programs to prevent sexual assault, domestic violence, dating violence, and stalking and procedures that should be followed after an incident of domestic violence, dating violence, sexual assault, or stalking has been reported, including a statement of the standard of evidence that will be used during any in any College proceeding arising from such a report. The statement must include the following:

- A description of educational programs to promote the awareness of rape, acquaintance rape, other forcible and non-forcible sex offenses, domestic violence, dating violence, or stalking;
- Procedures to follow if a domestic violence, dating violence, sex offense, or stalking occurs, including who should be contacted, the importance of preserving evidence to prove a criminal offense, and to whom the alleged offense should be reported;
- Information on a student's right to notify appropriate law enforcement authorities, including on-campus and local police, and a statement that campus personnel will assist the student in notifying these authorities, if the student so requests, and the right to decline to notify these authorities;
- Information about how the College will protect the confidentiality of victims;
- Information for students about existing on- and off-campus counseling, mental health, victim advocacy, legal assistance, or other services for victims;
- Written notification of victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if requested and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement;

- Procedures for campus disciplinary action in cases of an alleged domestic violence, dating violence, sexual assault, or stalking including a clear statement that:
 - Such proceedings shall provide a prompt, fair, and impartial resolution;
 - Such proceedings shall be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;
 - The accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding; and
 - Both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding resulting from an alleged domestic violence, dating violence, sexual assault, or stalking, the procedures for the accused and victim to appeal the results of the disciplinary proceeding, of any changes to the results that occurs prior to the time that such results become final, and when such results become final. Compliance with this paragraph does not violate the Family Educational Rights and Privacy Act (FERPA). For the purposes of this paragraph, the outcome of a disciplinary proceeding means the final determination with respect to the alleged domestic violence, dating violence, sex offense, or stalking and any sanction that is imposed against the accused.
- A description of the sanctions the campus may impose following a final determination by a campus disciplinary proceeding regarding rape, acquaintance rape, or other forcible or non-forcible sex offenses, domestic violence, dating violence, or stalking.

Education and Prevention Information

The Director of Advising and Success (for students) and the Director of Human Resources (for employees) shall:

- Provide, as part of each campus' established on-campus orientation program, education and prevention information about domestic violence, dating violence, sexual assault, and stalking. The information shall be developed in collaboration with campus-based and community-based victim advocacy organizations, and shall include the College's sexual assault policy and prevention strategies including empowerment programming for victim prevention, awareness raising campaigns, primary prevention, bystander intervention, and risk reduction.
- Post sexual violence prevention and education information on the campus internet website regarding domestic violence, dating violence, sexual assault and stalking.

~~President's Cabinet Approval Date: August 4, 2020~~

~~College Council Approval Date: August 4, 2020~~

Joint Policies and Procedures Committee Approval: November 13, 2024

Last Revised: ~~August 4, 2020~~



BP 2200 Board of Education Duties and Responsibilities

References:

NWCCU Standards 2.A.1
ORS 341.290, ORS 341.300 (traffic control)
AP 2200 Board of Education Duties and Responsibilities
BP 2715 Code of Ethics/Standards of Practice.

The Board of Education governs on behalf of the citizens of Clatsop County in accordance with the authority granted to it by state law.

The Board of Education in keeping with the requirements of ORS, and the rules and regulations set by the State governing board, shall:

- Provide community college services for the community
- Establish and administer general policies for the operation of Clatsop Community College
- Act as a general agent of the State in carrying out the will of the College in the matter of public education.

The Board of Education will not take any position on local, state, or national legislative matters, except as it may be of direct concern to Clatsop Community College.

The Board of Education is committed to fulfilling its responsibilities to:

- Represent the public interest;
- Establish policies that define the institutional mission and set prudent, ethical, and legal standards for college operations;
- Assure the Board of Education operates in an open, accessible, welcoming spirit, and maintains a culture that supports the College's commitment to diversity, equity and inclusion;
- Establish policies that ensure the College operates in a way that supports its commitment to diversity, equity and inclusion;
- Hire and evaluate the President of Clatsop Community College;
- Delegate power and authority to the President to effectively lead the College;
- Assure fiscal health and stability;
- Monitor institutional performance and educational quality; and
- Advocate for and protect Clatsop Community College.

END OF POLICY

Board Adoption Date: November 13, 2018
Last Revised: November 9, 2021

Rescinds: 1.205, 1.305

AP 2200 Board of Education Duties and Responsibilities

References:

NWCCU Standards [2.A.1 2.A.4 and 2.A.5](#)
ORS 341, 341.290, ORS 341.300 (traffic control)
BP 2715 Code of Ethics/Standards of Practice.

Board of Education General Powers and Duties

The Board of Education shall be responsible for the general supervision and control of any and all colleges and education centers operated by the district. Consistent with any applicable rules of the State governing board, the College Board may:

1. Employ administrative officers, professional personnel, and other employees, define their duties, terms and conditions of employment and prescribe compensation therefor.
2. Enact rules for the governance of Clatsop Community College, including professional personnel and other employees ~~thereof~~ and students ~~therein~~ of the College.
3. Prescribe the educational program.
4. Control use and access to the grounds, buildings, books, equipment and other property of the district.
5. Acquire, receive, hold, control, convey, sell, manage, operate, lease, lease-purchase, lend, invest, improve, and develop any and all property of whatever nature given to or appropriated for the use, support, or benefit of any activity under the control of the Board, according to the terms and conditions of such gift or appropriation.
6. Purchase real property upon a contractual basis when the period of time allowed for payment under the contract does not exceed 30 years.
7. ~~Establish-Fix~~ standards of admission to the College, prescribe and collect tuition for admission to the College, including fixing different tuition rates for students who reside in the district, students who do not reside in the district but are residents of the state, and students who do not reside in the state.
8. Prescribe and collect fees and expend funds so raised for special programs and services for the students and for programs for the cultural and physical development of the students.
9. Provide and disseminate to the public information relating to the program, operation, and finances of the community college.
10. Establish or contract for advisory and consultant services.
11. Take, hold, and dispose of mortgages on real and personal property acquired by way of gift or arising out of transactions entered into in accordance with the powers, duties, and authority of the Board and institute, maintain, and participate in suits and actions and other judicial proceedings in the name of the district for the foreclosure of such mortgages.

12. Maintain programs, services, and facilities, and in connection therewith, cooperate and enter into agreements with any person or public or private agency. ~~Ensure 12. College accreditation by the U.S. Department of Education authorized regional accrediting body/agency.~~
13. Provide student services including health, guidance, counseling and placement services, and contract therefor.
14. Join appropriate associations and pay any required dues therefor from resources of the district.
15. Apply for federal funds and accept and enter into any contracts or agreements for the receipt of ~~such the~~ funds from the federal government or its agencies for educational purposes.
16. Exercise any other power, duty, or responsibility necessary to carry out the functions under this section or required by law.
17. Prescribe rules for the use and access to public records of the district that are consistent with ORS 192.314 (Right to inspect public records), and education records of students under applicable ~~and~~ state and federal law and rules of the State governing board/commission. Whenever a student has attained 18 years of age is attending an institution of post-secondary education, the permission or consent required of and the rights accorded to a parent of the student regarding education records shall thereafter be required of and accorded to only the student. However, faculty records relating to the matters such as conduct, personal and academic evaluations, disciplinary actions, if any, and other personal matters shall not be made available to public inspection for any purpose except with the consent of the person who is the subject of the record or upon order of a court of competent jurisdiction.
18. Enter into contracts for the receipt of cash or property, or both, and establish charitable gift annuities pursuant to ORS 731.038 (Application of Insurance Code to charitable organizations that issue charitable gift annuities); and commit, appropriate, authorize, and budget for the payment of or other disposition of general funds to pay, in whole or part, sums due under an agreement for a charitable gift annuity and to provide the necessary funding for services or other trust funds pursuant to ORS 731.038 (Application of Insurance Code to charitable organizations that issue charitable gift annuities).
19. Encourage gifts to the district by faithfully devoting the proceeds of ~~such the~~ gifts to the district purposes for which intended.
20. Build, furnish, equip, repair, lease, purchase, and raze facilities; and locate, buy, and acquire lands for all district purposes. Financing may be by any prudent method including ~~by but~~ not limited to lands, contract purchase, or lease. Lease authorized by this section include lease-purchase agreements under which the district may acquire ownership for the leased property at a nominal price. ~~Such The~~ financing agreements may be for a term of up to 30 years except for lease arrangements, which may be for a term of up to 50 years.
21. Participate in an educational consortium with public and private institutions that offer upper division and graduate instruction. Community colleges engaged in ~~such~~ consortiums may expend money, provide facilities, and assign staff to assist those institutions offering upper division and graduate instruction.

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22. Enter into contracts of insurance or medical and hospital service contracts or may operate a self-insurance program as provided in ORS [341.312 \(Self-insurance program\)](#).

END OF PROCEDURE

Approved: November 13, 2018



BP 2435 Evaluation of the President

References:

NWCCU Standard 2.A.7

AP 2435 Evaluation of the President

[BP 7145 Personnel Files](#)

The Board of Education shall conduct an evaluation of President at least annually. Such evaluation shall comply with any requirements set forth in the contract of employment with the President as well as this policy.

The Board of Education shall evaluate the President using an evaluation process the Board of Education and the President jointly agree to and develop. The evaluation will be completed and feedback provided to the President in time for consideration for any needed changes to next fiscal year's budget.

The criteria for evaluation shall be based on Board of Education policy, the President's job description, and performance goals/objectives developed in accordance with BP 2430, Delegation of Authority to the President.

The criteria for evaluation of the President shall also include performance goals and objectives related to the College's commitment to diversity, equity, and inclusion. The Board's discussion and conferences with and about the President and his/her performance will be in executive session, unless the President requests an open session. Results of the evaluation will be written, announced in a public meeting, and be placed in the President's personnel file.

Any time the President's performance is deemed to be unsatisfactory, the President will be notified in writing, with a copy placed in his/her personnel file, of specific areas to be remedied and will be given an opportunity to correct the problem(s). If performance continues to be unsatisfactory, the Board may either dismiss the President or not renew his/her contract pursuant to Board policy, the employment contract with the President, and state law and rules. The official and complete copy of the President's personnel file shall be stored with Clatsop Community College's legal counsel. [Notice will be given to the President when such action has occurred.](#)

END OF POLICY

Board Adoption Date:

November 9, 2021

Last Revised:

November 9, 2021

Rescinds: 2.035



BP 7145 Personnel Files

References:

ORS 192.410-192.505
BP 2435 Evaluation of the President

Employee personnel records are maintained in the Office of Human Resources. The following policy provides guidance to employees about their privileges and obligations with respect to their own personnel records, and guides Clatsop Community College personnel responsible for producing and maintaining personnel records in the appropriate handling of those records. As required by law, some records pertaining to employees are maintained in separate files relating to medical issues and internal investigations.

This policy applies to all employees of the college unless exempted by other policies. BP 2435 Evaluation of the President states: "The official and complete copy of the President's personnel file shall be stored with Clatsop Community College's legal counsel."

For this policy, a personnel file consists of any employment-related and or personal information about a CCC employee, former employee or applicant for employment gathered by the College.

Employment-related information includes information related to an individual's:

- Application
- Selection
- Appointment
- Contract of employment
- Promotion, demotion, and transfer
- Awards and or other formal recognition received
- Copies of required certification/licensing/educational degree
- Salary
- Background check information
- Leave
- Performance evaluation forms
- Suspension, disciplinary actions, and termination

Access to Personnel Files

At the request of an employee, the College is required to provide a reasonable opportunity for the employee to inspect their personnel file, including records that are used to determine the employee's qualifications for employment, promotion, additional compensation, or termination. Except as provided below, or required by law, College employees' personnel records will be available for use and inspection only by the following:

1. **Access by the Employee:** An employee or designee may arrange with the Office of Human Resources to inspect the contents of their personnel file on any day the Human Resources Office is open for business. This includes others that the employee may designate in writing.



2. **Access by College Personnel:** College administrators, deans, supervisors, human resources personnel, investigators, College attorney and or their representative, or other college personnel with a business need to do so may review an individual's personnel file upon request and demonstration of the business need.
3. **Access by Third Party:** The President or designee may permit persons other than those specified above to use and to inspect employee records when, the person requesting access has a legitimate official purpose. The President or designee will determine in each case the appropriateness and extent of such access. An example would include but is not limited to, a summons or subpoena for a personnel file.

A documented list will be attached to the employee personnel file on whom, the purpose and when an employee personnel file was accessed.

Release of Information

Only the following information concerning active or terminated employees is released by the Office of Human Resources upon receipt of a written or telephone request:

- Dates of employment
- Job classification and title
- Department in which the individual is or was employed
- CCC telephone extension on active employees, if requested
- Office address for active employees
- Email address for active employees

Written requests for additional information related to employment references, mortgages applications, etc. will be provided only if a release form is signed and returned to the Human Resources Office.

Release of personnel records to parties other than those authorized to inspect them will be only upon receipt of a court order.

END OF POLICY

Board Adoption Date: June 8, 2021
Last Revised:

Rescinds: 4.205 Personnel Records



BP 2320 Special and Emergency Meetings

References:

ORS 192.640, ORS 341.283
AP 2320 Special and Emergency Meetings
BP 2360 Minutes

Special meetings may, from time to time, be called as permitted by state law. Special meetings shall be convened by order of the Chair of the Board or upon the request of four Board members. ~~at least 24 hours before such meeting is to be held, or by common consent of the Board members.~~ Notice of any special meeting shall be given consistent with to the members pursuant to bylaws of the Board and as required by Oregon Revised Statutes.

Emergency meetings may be called by the Chair of the Board of Education or four members of the Board of Education when prompt action is needed because of actual or threatened disruption of public facilities.

END OF POLICY

President's Cabinet Approval Date:	November 27, 2018
College Council Approval Date:	November 29, 2018
Board Adoption Date:	November 13, 2018
Last Revised:	November 13, 2018

Rescinds: 1.130, 1.140, 1.150



BP 2315 Closed/Executive Sessions

References:

ORS 192.660
BP 2360 Minutes

Executive sessions of the Board of Education shall only be held as permitted by ORS 192.660. Matters discussed in closed session may include the following:

- To consider the employment of a public officer, employee, staff member or individual agent.
- To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent who does not request an open hearing.
- To conduct deliberations with persons designated by the governing body to carry on labor negotiations.
- To conduct deliberations with persons designated by the governing body to negotiate real property transactions.
- To consider information or records that are exempt by law from public inspection.
- To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations.
- To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.
- To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.
- To carry on negotiations under ORS chapter 293 with private persons or businesses regarding proposed acquisition, exchange or liquidation of public investments.
- To consider matters relating to school safety or a plan that responds to safety threats made toward a school.
- To consider matters relating to the safety of the governing body and of public body staff and volunteers and the security of public body facilities and meeting spaces.
- To consider matters relating to cyber security infrastructure and responses to cyber security threats.

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Matters discussed in executive session and relevant/related documents remain confidential and may not be discussed outside of the closed session.

Documents pertaining to evaluation and college personnel are confidential and must not be made available to the public.

No final actions may be taken in executive session.

The presiding officer will announce the Executive Session by identifying the

authorization under Oregon Revised Sessions for holding such session, and by noting the subject of the Executive Session.

A Board member may request and, with the consensus of the Board, require the presiding officer to convene an Executive Session for a purpose authorized under Oregon Revised Statutes.

If any person requests an opportunity to present complaints to the Board of Education about a specific employee, such complaints shall first be presented to the President and/or follow the Complaint Policies and Procedures as listed by category of complaint. Notice shall be given to the employee against whom the charges or complaints are directed. If the complaint is not resolved at the administrative level, the matter shall be scheduled for a closed session of the Board of Education as permitted under Oregon law.

END OF POLICY

~~President's Cabinet Approval Date: November 27, 2018~~
~~College Council Approval Date: November 29, 2018~~
Board Adoption Date: November 13, 2018
Last Revised: November 13, 2018

Rescinds: 1.135, 1.150

Revised 10/23



BP 2110 Vacancies on the Board of Education

References:

- ORS 341.335
- AP 2110 Vacancies on the Board of Education

The Board of Education shall declare the office of a board member vacant if it finds any of the following:

- (a) The incumbent has died or resigned.
- (b) The incumbent has been removed or recalled from office or the election of the incumbent thereto has been declared void by the judgment of a court.
- (c) The incumbent has ceased to be a resident of the district from which the incumbent was nominated or elected.
- (d) The incumbent has ceased to discharge the duties of office for two consecutive months unless prevented therefrom by sickness or other unavoidable cause or unless excused by the chairperson of the Board of Education.

A Board member who changes permanent residence from one Zone of the District to another Zone or who by a change in Zone boundaries no longer resides in the Zone to which elected or appointed is entitled to continue to serve as a Board member until June 30 following the next regular district election at which a successor shall be elected to serve for the remainder of the unexpired term, if any.

When a vacancy is declared the remaining Board of Education members shall meet and appoint a person to fill the vacancy from any ~~of the electors of the district if the position is one filled by both nomination and election at large, and otherwise from any~~ of the electors of the zone from which the vacancy occurs.

If the offices of a majority four or more of the board members are vacant at the same time, the governing body of the principal county shall appoint persons to fill the vacancies from any of the electors of the zones from which the vacancy occurs.

The period of service of a Board of Education member appointed to a vacant position commences upon appointment and expires June 30 next following the next regular district election at which a successor is elected. The successor shall be elected to serve the remainder, if any, of the term for which the appointment was made. If the term for which the appointment was made expires June 30 after the election of the successor, the successor shall be elected to a full term. In either case, the successor shall take office on July 1.

The Board of Education shall establish administrative procedures to solicit applications that assure ample publicity to and information for prospective candidates. The Board of Education will determine the schedule and appointment process, which may include interviews at a public meeting.

~~If the offices of a majority four or more of the board members are vacant at the same time, the governing body of the principal county shall appoint persons to fill the vacancies from~~

Commented [PS1]: I checked with Karen Smith. According to the statute, the County Commissioners must fill all the vacant seats at the same time. They cannot fill only one seat (or however many are needed to bring the total up to four seats) and then allow the Board to fill the remaining vacancies.

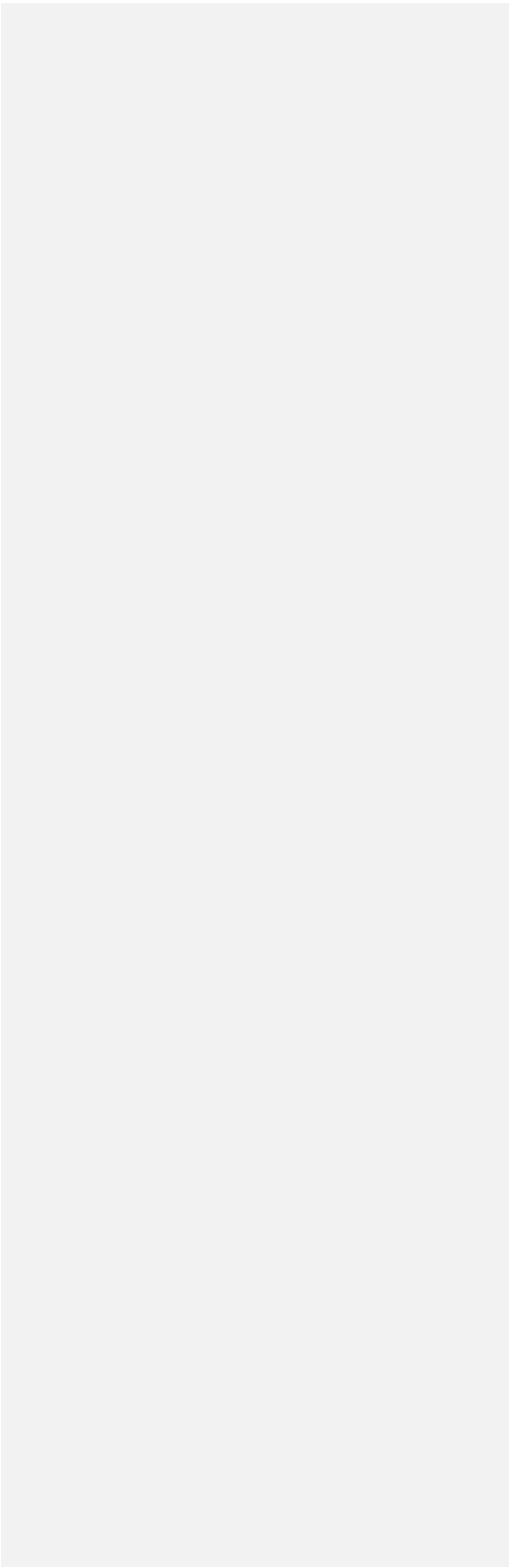


~~any of the electors of the zones from which the vacancy occurs.~~

END OF POLICY

President's Cabinet Approval Date: November 27, 2018
College Council Approval Date: November 29, 2018
Board Adoption Date: November 13, 2018
Last Revised: November 13, 2018

Rescinds: 1.025



AP 2110 Vacancies on the Board of Education

References:

ORS 341.335

Sample Interview Questions are listed at the end of this Procedure

When the Board of Education determines to fill the vacancy by appointment, the President shall assure that there is ample publicity to and information for prospective candidates.

The posted notice of vacancy shall include directions regarding applications or nominations of legally qualified candidates. Persons applying or nominated must meet the qualifications required by law for members of the Board of Education.

~~Persons applying for appointment to the Board of Education shall receive a letter from the President containing information about the college and the Board of Education, including a candidate interest and information sheet to be completed and returned by a specific date. The President's Designee Board secretary will review all completed applications to confirm statutory qualifications.~~

The Board of Education will develop a "standard" set of questions ~~to that will be~~ asked of ~~each the~~ candidates. Each candidate will be asked the same questions. All questions will be in compliance with federal and state laws.

The candidates will be provided a copy of the questions in advance of the scheduled interview.

The Board of Education shall request personal interviews with all qualified candidates. Interviews will be conducted in a public hearing scheduled for that purpose.

Each Board of Education member will review all candidate information sheets, with final selection made by a ~~majority~~ vote ~~of (four or more)~~ of the Board of Education members at a public meeting called for that purpose.

END OF PROCEDURE

Approved: **November 13, 2018**

Commented [PS1]: There are certain questions that can't be asked in an interview. Recommendation to present questions to HR for review prior to the interviews.

Sample – interviewee to receive the questions in advance of the Interview**Board Interview Vacancy Questions**
Zone – _____:

A. Candidate – 3 minute statement of interest

B. Board – Interview Questions:

1. ~~Describe your volunteer and community experience.~~
2. ~~If a visitor asked you to describe the College, how would you describe it?~~
3. ~~What motivated you to apply for this position?~~
4. ~~This Position on the Board expires on June 30, _____. Would you consider running for office in the May _____ election to serve the unexpired _____ year portion of this 4-year term?~~
5. ~~What expertise (business background, previous work in an educational institution, education related service, etc.) do you feel you bring to the Board?~~
6. ~~If you find yourself in a minority position on an important issue, how will you handle the situation?~~

C. Candidate – Do you have any Questions?

D. Candidate – Is there anything, which we didn't ask you about that you would like to share?

END

AP 2720 Communications: Among Board of Education Members Within the College and Education Centers Publications

References:

ORS 244.010 to 244.047

The Board of Education desires to maintain open channels of communication between itself and staff. The basic line of communication will, however, be through the President.

Staff Communications to the Board

All formal communications or reports to the Board or any Board committee from supervisors, faculty or other staff member will be submitted through the President. This procedure will not be construed as denying the right of any employee to address the Board about issues which are neither part of any active administrative procedure, nor disruptive to the operation of the College. Staff members are invited to board meetings, which provide an opportunity to observe the Board's deliberations on matters of staff concern.

Board Communications to Staff

All official Board communications, policies and directives of staff interest and concern will be communicated to staff members through the President. The President will provide appropriate communication to keep staff fully informed of the board's priorities, concerns and actions.

The Board of Education will adhere to the following in carrying out the responsibilities of the Board:

1. Request for information – any individual Board member who desires a written report or survey prepared by the administrative staff will make such a request to the President. A copy of the material will be provided/made available to each Board member.
2. Request for Legal Opinions – Any Board member may request a legal opinion. Such request, however, shall be made at a regular Board meeting, or through the Board Chair to the President. If the legal opinion sought involves the President's employment or performance, the request should be made to the Board Chair. Legal counsel represents the College and is responsible to the Board.
3. Action on Complaints or Requests Made to Board Members – When Board members receive complaints or requests for action from staff, students or members of the public, such information is to be conveyed to the Board Chair and President for action, where appropriate.
4. Board Member Relationship to Administration – Individual Board members may be informed about the College's educational program, may visit the College or other

facilities to gain information and may request information from the President. Board members will not individually intervene in the administration of the College

5. Contracts Made by Individual Board Members – Individual Board members may NOT engage in contracts on behalf of the Board.
6. Attendance – Board members are expected to attend all regular Board meetings, work sessions, retreats, and other official meeting of the Board either in person, or through teleconferencing or telecommunications. Although it may be necessary at times for one or more Board member to attend via phone or other distance mediated technology, it is understood that this will be the exception and is subject to approval by the Board.
7. Use of Email ~~and other technological devices~~ is only for one-way sharing of information between Board members or in response to administrative inquiries. Email communications are public records and are subject to the requirements of Public Records Laws.

Visits to Campus

Campus visits by Board members will be regarded as information expressions of interest in College affairs and not as “inspections” or visits for supervisory or administrative purposes. Official visits by Board members will be carried on only under Board authorization. The Board will notify the President. and with full knowledge of staff, including the President and other supervisors.

Approval of Handbooks and Directives*

In order that pertinent policies, regulations, College rules, and procedures of the Board of Education may be known by all staff members, patrons and students affected, College administrators are granted authority to issue staff and student handbooks.

It is essential that the contents of all handbooks conform with College policies and regulations. It is also important that all handbooks bearing the name of the College be of a quality that reflects favorably on the College.

All handbooks published are to be made available to the Board for informational purposes.

*This includes but is not limited to required compliance reporting

END OF PROCEDURE

Approved: November 13, 2018

Commented [PS1]: Public meeting law handbook – use language in #7
<https://www.oregon.gov/oha/PH/PREVENTIONWELLNESS/Documents/Public%20Meetings%20Records%20Retention%20Ethics%20Presentation.pdf>

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