



Blue Mountain Community College Administrative Procedure

Procedure Title: Hazing, Harassment, Intimidation, Bullying, Cyberbullying, or Menacing
Procedure Number: 03-2006-0012
Board Policy Reference: IV.B. Human Resources Direction
NWCCU Standard:

Accountable Administrator: Chief Human Resources Officer
Position(s) responsible for updating: Chief Human Resources Officer
Original Date: July 13, 2006
Date Approved by College Planning Council: 10-27-21
Authorizing Signature: *Signed original on file*
Dated: 10-27-21
Date Posted on Web: 10-29-21
Revised: 10-21
Reviewed: 10-21

Purpose/Principle/Definitions:

Hazing, harassment, intimidation, bullying, cyberbullying, and menacing is strictly prohibited and shall not be tolerated in the College. All reports or complaints of hazing, harassment, intimidation, bullying, cyberbullying, or menacing will be investigated. Reports or complaints of such activity may be made using AP 03-2003-0014 Nondiscrimination.

Students whose behavior is found to be in violation of this policy will be subject to discipline, up to and including expulsion. Staff whose behavior is found to be in violation of this policy will be subject to discipline, up to and including dismissal. Third parties whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the President or Board.

Individuals may also be referred to law enforcement officials.

Retaliation against a victim, any person who reports, is thought to have reported, files a complaint or otherwise participates in an investigation or inquiry is prohibited. Such retaliation shall be considered a serious violation of Board policy and independent of whether a complaint is substantiated. False charges shall also be regarded as a serious offense and may result in consequences and appropriate remedial action.

The College will provide annual on-campus training for students about the harmful effects of hazing, harassment, intimidation, bullying, cyberbullying, and menacing, and the relevant laws and this policy prohibiting such conduct. The College shall provide required reports¹ to the Legislative Assembly annually no later than December 31.

The President will develop administrative regulations procedures to implement this policy. These procedures shall include descriptions of prohibited conduct, reporting, and investigative procedures, and provisions to ensure notice

¹ The reports must include:

1. The number of hazing incidents reported to the College during the previous academic year; and
2. The number of hazing incidents investigated by the College during the previous academic year. See ORS 350.259(3).

of this policy is provided to students, staff, and third parties.

Definitions:

The following definitions shall be used for reporting, investigating, and resolving reports of hazing, harassment, intimidation, bullying, cyberbullying, or menacing of staff or third parties:

1. "Third parties" include, but are not limited to, volunteers, parents, visitors, service contractors, or others engaged in College business, such as employees of businesses or organizations participating in cooperative programs with the College and others not directly subject to College control at intercollegiate and intracollegiate athletic competitions or other events.
2. "College" includes College facilities, College premises, and non-College property if the employee is at any College-sponsored, College-approved, or College-related activity or function, where the employee is engaged in College business.
3. "Hazing" means:
 - To subject an individual to whipping, beating, striking, branding or electronic shocking, to place a harmful substance on an individual's body or to subject an individual to other similar forms of physical brutality;
 - To subject an individual to sleep deprivation, exposure to the elements, confinement in a small space or other similar activity that subjects the individual to an unreasonable risk of harm or adversely affects the physical health or safety of the individual;
 - To compel an individual to consume food, liquid, alcohol, cannabis, controlled substances or other substances that subject the individual to an unreasonable risk of harm or adversely affect the physical health or safety of the individual; or
 - To induce, cause or require an individual to perform a duty or task that involves the commission of a crime or an act of hazing.
4. "Harassment" is unwelcome conduct that is based on race, color, religion, sex (including pregnancy), sexual orientation, gender identity, national origin, age (40 or older), disability or genetic information. Harassment becomes unlawful when 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create work environment that a reasonable person would consider intimidating, hostile, or abusive.

For specific information and procedures regarding reports and complaints of Sexual Harassment or Workplace Harassment, please see 06-2020-0001 Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking or 03-2020-0003 Workplace Harassment.

5. "Intimidation" includes, but is not limited to, any threat or act intended to tamper, substantially damage or interfere with another's property, cause substantial inconvenience, subject another to offensive physical contact or inflict serious physical injury on the perception of the other's race, color, religion, national origin, disability, sexual orientation, or gender identity.
6. "Bullying" is a pattern of repeated mistreatment that harms, intimidates, undermines, offends, degrades, or humiliates an employee.

7. “Cyberbullying” means the use of any electronic device to [convey a message in any form (e.g., text, image, audio, or video) that intimidates, harasses, or otherwise harms, insults, or humiliates another in a deliberate, repeated or hostile and unwanted manner under a person’s true or false identity. In addition, any communication of this form, which substantially disrupts or prevents a safe and positive working environment, may also be considered cyberbullying. Staff and students will refrain from using personal electronic devices or College equipment to harass or stalk another person or people.
8. “Menacing” includes, but is not limited to, any act intended to place a College employee, student, or third party in fear of imminent serious physical injury.

Legal Reference(s):

ORS 163.190	ORS 350.259
ORS 163.197	ORS 659.850
ORS 166.065	ORS 659.852
ORS 166.155 - 166.165	OAR 715-011-0005 - 0065
ORS 341.290(2)	

Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2012).

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12112 (2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).

Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133 (2018).

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683, 1701, 1703-1705, 1720 (2018).

Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).

Gebser v. Lago Vista Independent School Dist., 524 U.S. 274 (1998).

Davis v. Monroe, 526 U.S. 629 (1999).