

Discrimination Complaint Procedure **

Complaints regarding discrimination or harassment, on any basis protected by law, shall be processed in accordance with the following procedures:

Step 1: Complaints may be oral or in writing and must be filed with the program administrator. The program administrator shall investigate, and determine the action to be taken, if any, and reply, in writing, to the complainant within 10 business days¹ of receipt of the complaint.

Any staff member that receives a written or oral complaint shall report the complaint to the program administrator.

Step 2: If the complainant wishes to appeal the decision of the program administrator, he/she may submit a written appeal to the superintendent within five business days after receipt of the program administrator's response to the complaint. The Superintendent will review the merits of the complaint, the program administrator's decision and may meet with all parties involved. The superintendent will respond in writing to the complainant within 10 business days.

Step 3: If the complainant is not satisfied with the decision of the Superintendent, a written request for appeal may be filed with the Board within five school days of receipt of the superintendent's response to Step 2. The Board may decide to hear or deny the request for appeal. If the Board chooses to hear the appeal the Board may meet with the concerned parties and their representative at the next regular or special Board meeting. The Board's decision will be final and will address each allegation in the complaint and contain reasons for the Board's decision. A copy of the Board's final decision shall be sent to the complainant in writing or electronic form within 10 business days of this meeting.

If the program administrator is the subject of the complaint, the individual may start at step 2 and may file a complaint with the Superintendent. If the Superintendent is the subject of the complaint, the complaint may start at step 3 and should be referred to the Board chair. The Board may refer the investigation to a third party.

Complaints against the Board as a whole or against an individual Board member should be made to the Board chair and may be referred to ESD counsel. Complaints against the Board chair may be made directly to the Board vice chair.

Timelines may be extended based upon mutual consent of both parties in writing.

¹"Business day" means a day other than Saturday, Sunday or a legal holiday, and on which at least one paid employee of the ESD is scheduled to and does report to work. Business day does not include any day on which the central administration offices of the ESD are closed.

If the complainant is a person who resides in a district that receives services from the ESD, is a parent or guardian of a student who attends a school operated by the ESD, or is a student is not satisfied after exhausting local complaint procedures, or 90 days, whichever occurs first, he/she may appeal in writing to the Deputy Superintendent of Public Instruction under Oregon Administrative Rule (OAR) 581-0210-0049.

**As used in this administrative rule, the term parent includes legal guardian or person in a parental relationship. The status and duties of a legal guardian are defined in ORS 125.005(4) and 125.300 – 125.325. The determination of whether an individual is acting in a parental relationship, for purposed of determining residency, depends on the evaluation of the factors listed in ORS 419B.373. The determination for other purposes depends on evaluation of those factors and a power of attorney executed pursuant to ORS 109.056. For special education students, parent also includes a surrogate parent, an adult student to who rights have been transferred and foster parent as defined in OAR 581-015-200.

Discrimination Complaint Form

Name of Person Filing Complaint	Date	School or Activity	
<input type="checkbox"/> Student/Parent	<input type="checkbox"/> Employee	<input type="checkbox"/> Nonemployee (Job applicant) <input type="checkbox"/> Other_____	
Type of discrimination:	<input type="checkbox"/> Race	<input type="checkbox"/> Color	<input type="checkbox"/> Religion
	<input type="checkbox"/> Sex	<input type="checkbox"/> Sexual Orientation	<input type="checkbox"/> National/ethnic Origin
	<input type="checkbox"/> Disability	<input type="checkbox"/> Marital Status	<input type="checkbox"/> Veterans status
	<input type="checkbox"/> The protected status of any other person with whom you associate		
	<input type="checkbox"/> Other_____		

Specific complaint: (Please provide detailed information including names, dates, places, activities and results of informal discussion.)

Who should we talk to and what evidence should we consider?

Suggested solution/resolution/outcome:

The complaint form should be mailed or taken to the program administrator. Direct complaints related to educational programs and services may be made to the U. S. Department of Education, Office for Civil Rights. Direct complaints related to employment may be filed with the Oregon Bureau of Labor and Industries, Civil Rights Division, or the U.S. Department of Labor, Equal Employment Opportunities Commission.