

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: ¹ Complaints may be oral or in writing and must be filed with the program administrator. Any staff member that receives an oral or written complaint shall report the complaint to 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 school days of receipt of the complaint.
- Step 2: If the complainant wishes to appeal the decision of the program administrator, the complainant may submit a written appeal to the Superintendent or designee within five school days after receipt of the program administrator's response to the complaint. The Superintendent or designee shall review the merits of the complaint and the program administrator's decision. The Superintendent or designee will respond in writing to the complainant within 10 school days.
- Step 3: If the complainant is not satisfied with the decision of the Superintendent or designee, a written request for appeal may be filed with the Board within five school days of receipt of the Superintendent's or designee's response to Step 2. The Board may decide to hear or deny the request for appeal at a Board meeting. 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 days of this meeting.

If the program administrator is the subject of the complaint, the individual starts at Step 2 and should file a complaint with the Superintendent or designee. 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 submitted to the Board chair and may be referred to ESD counsel. Complaints against the Board chair may start at step 3 and be referred directly to the Board vice chair.

¹The ESD's timeline established by each step of the ESD's complaint procedure, must be within 30 days of the submission of the complainant at any step, unless the district and complainant have agreed in writing to a longer time period for that step. However, the ESD's complaint procedure should not exceed a total of 90 days from the initial filing of the complaint, regardless of the number of steps involved, unless the district and the complainant have agreed in writing to a longer time period (OAR 581-002-005)

The timelines established in each step of this procedure may be extended upon mutual consent of the ESD and the complainant in writing but will not be longer than 30 days from the date of the submission of the complaint at any step. The overall timeline of this complaint procedure may be extended beyond 90 days from the initial filing of the complaint upon mutual consent of the ESD and the complainant in writing.

The complainant, if a person who resides in a ESD, or, 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, the ESD fails to render a written decision within 30 days of submission of the complaint at any step or fails to resolve the complaint within 90 days, may appeal² the ESD's final decision to the Deputy Superintendent of Public Instruction under Oregon Administrative Rule (OAR) 581-002-0001 – 581-002-0023. The ESD shall provide a copy of the applicable OARs upon request.

²An appeal must meet the criteria found in OAR 581-002-0005(1)(a).

Discrimination Complaint Form

| | | |
|---------------------------------|------|--------------------|
| Name of Person Filing Complaint | Date | School or Activity |
|---------------------------------|------|--------------------|

- Student/Parent Employee Job Applicant
 Other _____

- Type of discrimination:
- Race
 - Color
 - Religion
 - Sex
 - Sexual Orientation
 - National or ethnic origin
 - Mental or physical disability
 - Marital status
 - Veterans status
 - Familial status
 - Economic status
 - Veterans' status
 - Pregnancy
 - Discriminatory use of a Native American mascot
 - The protected status of any other person with whom you associate
 - 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.