

# OSBA Model Sample Policy

Code: AC-AR  
Adopted:

## Discrimination Complaint Procedure

*{Required AR. OAR 581-022-2370 requires districts to have complaint procedures, including for complaints of discrimination. Federal law also requires discrimination complaint procedures.}*

Any person, including students, staff, visitors and third parties, may file a complaint.

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

Step 1:     {<sup>1</sup>} Complaints may be oral or in writing and must be filed with the [Civil Rights Coordinator]. Any staff member that receives an oral or written complaint shall report the complaint to the [Civil Rights Coordinator].

The [Civil Rights Coordinator] 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, when possible.

Step 2:     If the complainant wishes to appeal the decision of the [Civil Rights Coordinator], the complainant may submit a written appeal to the superintendent [or designee] within [five] school days after receipt of the [Civil Rights Coordinator]'s response to the complaint.

The superintendent [or designee] shall review the [Civil Rights Coordinator]'s decision within [five] school days and may meet with all parties involved. The superintendent [or designee] will review the merits of the complaint and the [Civil Rights Coordinator]'s decision. The superintendent [or designee] will respond in writing to the complainant within [10] school days, when possible.

Step 3:     If the complainant is not satisfied with the decision of the superintendent [or designee], a written 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 decides to hear the appeal, the Board may meet with the concerned parties and their representative at [a 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 [0] days of receipt of the appeal by the Board, when possible.

If the [Civil Rights Coordinator] is the subject of the complaint, the individual may start at Step 2 and should file a complaint with the superintendent [or designee].

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<sup>1</sup> For district information. The district's timeline established by each step of the district's complaint procedure must be within 30 days of the submission of the complaint at any step, unless the district and complainant have agreed in writing to a longer time period for that step. The district'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 581-002-0005)

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, may start at Step 3 and should be submitted to the Board chair and may be referred to district counsel. Complaints against the Board chair may start at Step 3 and be referred directly to the [district counsel].

The timelines established in each step of this procedure may be extended upon mutual consent of the district and the complainant in writing. The overall timeline of this complaint procedure may be extended beyond 90 days from the initial filing of the complaint upon written mutual consent of the district and the complainant.

The complainant, if a person who resides in the district[,] [or] a parent or guardian of a student who attends school in the district is not satisfied after exhausting local complaint procedures of the complaint, may appeal<sup>2</sup> the district's final decision to the Deputy Superintendent of Public Instruction under Oregon Administrative Rules (OAR) 581-002-0001 – 581-002-0023.

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

## DISCRIMINATION COMPLAINT FORM

*Any person, including students, staff, visitors and third parties, may file a complaint.*

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Name of Person Filing Complaint	Date	School or Activity
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Student/Parent ☐ Employee ☐ Job applicant ☐ Other ☐ \_\_\_\_\_

Type of discrimination:

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Race<br><input type="checkbox"/> Color<br><input type="checkbox"/> Religion<br><input type="checkbox"/> Sex<br><input type="checkbox"/> National or ethnic origin<br><input type="checkbox"/> Gender identity | <input type="checkbox"/> Mental or physical disability<br><input type="checkbox"/> Marital status<br><input type="checkbox"/> Familial status<br><input type="checkbox"/> Economic status<br><input type="checkbox"/> Veterans' status | <input type="checkbox"/> Age<br><input type="checkbox"/> Sexual orientation<br><input type="checkbox"/> Pregnancy<br><input type="checkbox"/> Discriminatory use of a Native American mascot<br><input type="checkbox"/> Other _____ |
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Specific complaint: (Please provide detailed information including names, dates, places, activities and results of the discussion.)

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

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Suggested solution/resolution/outcome: \_\_\_\_\_

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This complaint form should be mailed or submitted to the [Civil Rights Coordinator at [enorton@ontario.k12.or.us](mailto:enorton@ontario.k12.or.us) or at 195 SW 3<sup>rd</sup> Ave Ontario OR 97914]

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.