



Code: **AC-AR**
Revised/Reviewed: 6/27/01; 1/05/06; 11/14/13;
10/14/15; 12/13/17;
11/13/19; 5/11/22; 7/12/23
Orig. Code: AC-AR

Discrimination or Civil Rights Complaint Procedure

{Required administrative regulation. OAR 581-022-2370 requires districts to have complaint procedures, including for complaints of discrimination. Federal law also requires discrimination, including sex discrimination, complaint procedures. Districts are required to designate civil rights coordinators who have a responsibility to “oversee investigations of complaints alleging discrimination.” Districts are also required to have Title IX Coordinators. The district should consider the coordinators’ roles in the complaint process and adjust the procedures as appropriate.}

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

[The district may have additional responsibilities addressing reports and complaints, including but not limited to, those found in the following policies and their associated administrative regulations:

1. ACA - Americans with Disabilities Act;
2. ACB - Every Student Belongs;
3. GBEA - Workplace Harassment;
4. GBM - Staff Complaints;
5. GBMA - Whistleblower;
6. GBN/JBA - Sexual Harassment;
7. GBNA - Hazing, Harassment, Intimidation, Bullying, Menacing or Cyberbullying – Staff;
8. GBNA/JHFF - Reporting of Suspected Sexual Conduct with Students;
9. GBNAB/JHFE - Suspected Abuse of a Child Reporting Requirements;
10. IIA - Instructional Materials**;
11. JFCF - [Hazing,]Harassment, Intimidation, Bullying, [Menacing,]Cyberbullying, Teen Dating Violence, or Domestic Violence – Student**; and
12. KL - Public Complaints.]

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 principal or civil rights coordinator. Any staff member that receives an oral or written complaint shall report the complaint to the principal. If a complaint is filed with the civil rights coordinator, the civil rights coordinator will forward it to the [principal]. If a complaint is filed with the [principal], the

[principal] will notify the civil rights coordinator of the complaint. The civil rights coordinator will oversee the investigation^{1} conducted by the [principal or designee] and ensure the investigation is resolved.

The [principal] shall ensure that any required notices are provided.²

The principal 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 principal, the complainant may submit a written appeal to the superintendent or designee within five school days after receipt of the principal's response to the complaint.

The superintendent or designee shall review the principal'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 principal's decision. The superintendent or designee will respond in writing to the complainant within 10 school days.

Step 3^{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 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 30 days of receipt of the appeal by the Board.

If the principal is the subject of the complaint, the individual may start at Step 2 and should file a complaint with the superintendent or designee. The superintendent will notify the civil rights coordinator.

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. The Board chair will direct notification to the civil rights coordinator.

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. The Board chair will direct notification to the civil rights coordinator.

¹ {The investigator can be someone other than the civil rights coordinator or principal.}

² See the following for notice requirements:

1. Administrative regulation ACB-AR - Bias Incident Complaint Procedures
2. Board policy GBN/JBA - Sexual Harassment

³ {Individuals tasked with making decisions regarding complaints for types of discrimination may be required to be trained prior to making those decisions. See July 2022 Dear Colleague letter.}

Complaints against the Board chair may start at Step 3 and be referred directly to the district counsel. District counsel will direct notification to the civil rights coordinator.

All complaints, including those starting at Step 2 or later, will meet all legal requirements. The civil rights coordinator will oversee these requirements.

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 or a student, is not satisfied after exhausting local complaint procedures, the district fails to render a written decision within 30 days of submission of the complaint at any step (unless the district and complainant have agreed in writing to a different time period for that step) or fails to resolve the complaint within 90 days of the initial filing of the complaint, may appeal⁴² the district's final decision to the Deputy Superintendent of Public Instruction under Oregon Administrative Rules (OAR) 581-002-0001 – 581-002-0023.

⁴ An appeal must meet the criteria found in OAR 581-002-0005(1)(a).

DISCRIMINATION OR CIVIL RIGHTS COMPLAINT FORM

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

Name of Person Filing Complaint

Date

School or Activity

Student/Parent ☐ Employee ☐ Job applicant ☐ Other ☐ _____

Type of discrimination:

- | | | |
|--|--|--|
| <input type="checkbox"/> Race | <input type="checkbox"/> Mental or physical disability | <input type="checkbox"/> Sexual orientation |
| <input type="checkbox"/> Color | <input type="checkbox"/> Marital status | <input type="checkbox"/> Pregnancy |
| <input type="checkbox"/> Religion | <input type="checkbox"/> Familial status | <input type="checkbox"/> Discriminatory use of a
Native American mascot |
| <input type="checkbox"/> Sex | <input type="checkbox"/> Economic status | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> National or ethnic origin | <input type="checkbox"/> Veterans' status | |
| <input type="checkbox"/> Gender identity | <input type="checkbox"/> Age | |

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

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

Suggested solution/resolution/outcome:

This complaint form should be mailed or submitted to the principal.

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.