

Neah-Kah-Nie School District 56

Code: AC-AR
Revised/Reviewed: 11/13/00; 11/12/07; 2/09/15;
10/10/16

✓ 18.
talk to
spencer

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 principal. ~~within five school days of receipt of the response to the informal complaint.~~ Any staff member that receives a written or oral complaint shall report the complaint to the principal.

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.

~~Any staff member that receives a written or oral complaint shall report the complaint to the principal.~~

Step 2 If the complainant wishes to appeal the decision of the principal, ~~he/she~~ the complainant may submit a written appeal to the superintendent within five school days after receipt of the principal's response to the complaint.

The superintendent may review the principal's decision within ~~five~~ school days and may meet with all parties involved. The superintendent will review the merits of the complaint and the principal's decision. ~~and~~ The superintendent will respond in writing to the complaint within 10 school days.

Step 3 If the complainant is not satisfied with the decision of the superintendent, a written 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 at a Board meeting. 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 include the legal basis for the decision, findings of fact and conclusions of law. A copy of the Board's final decision shall be sent to the complainant in writing within 10 days of this meeting.

If the principal is the subject of the complaint, the individual may start at Step 2 and should 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.

¹ 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)

Complaints against the Board as a whole or against an individual Board member, may start at Step 3 and should be ~~made~~ submitted to the Board chair and may be referred to district counsel. Complaints against the Board chair may start at Step 3 and be ~~made~~ referred directly to the Board vice chair.

The ~~T~~timelines established in each step of this procedure may be extended ~~based~~ upon mutual consent of ~~both parties~~ the district and the complainant in writing¹, but will not be longer than 30 days from the date of the submission of the complaint at any step¹. 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.

~~If~~¹The complainant, if a person who resides in the district¹, ~~or~~¹ a parent or guardian of a student who attends school in the district¹, or a student, ¹ is not satisfied after exhausting local complaint procedures, or the district 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, ~~whichever occurs first~~ of the initial filing of the complaint, ~~he/she~~ may appeal² ~~in writing to the Superintendent of Public Instruction under~~ the district's final decision to the Deputy Superintendent of Public Instruction under Oregon Administrative Rules (OAR) ~~581-022-1940~~ 581-002-0001 – 581-002-0023.

² An 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 ☐

~~Nonemployee~~ ☐ (Job applicant)

Other ☐

Type of discrimination:

☐ Race

☐ Color

☐ Religion

☐ Sex

☐ National or ethnic origin

☐ Mental or physical

☒ Disability

☐ Marital status

☐ Age

☐ Sexual orientation

☐ Familial status

☐ Economic status

☐ Veteran's status

☐ Pregnancy

☐ Discriminatory use of a Native American mascot

Other _____

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:

Signature of Complainant

Date

The complaint form should be mailed or taken 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.

