

Pendleton School District 16R

Code: AC-AR
Revised/Reviewed: 3/08/10; 8/10/15; 11/09/20;
2/14/22; 8/14/23

Discrimination Complaint Procedure

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: Complaints may be oral or in writing and must be filed with the principal. Any staff member that receives an oral or written 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.

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: 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 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 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.

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 Board vice chair.

The timelines established in each step of this procedure may be extended upon mutual consent of the district 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 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 or fails to resolve the complaint within 90 days of the initial filing of the complaint, may appeal¹ the district's final decision to the Deputy Superintendent of Public Instruction under Oregon Administrative Rules (OAR) 581-002-0001 – 581-002-0023.

Charter Schools of which the District Board is a Sponsor

The District Board, through its charter agreement with Nixyáawii Community School sponsored by the district board through this administrative regulation, will not review an appeal of a decision reached by the Board of the Nixyáawii Community School on a complaint alleging a violation of Oregon Revised Statute (ORS) 659.850 or Oregon Administrative Rule (OAR) 581-021-0045 or 581-021-0046 (Discrimination), for which the district Board has jurisdiction, and recognizes a decision reached by the Board of Nixyáawii Community School as the district Board's final decision. A final decision reached by this district Board may be appealed to the Oregon Department of Education under OAR 581-002-0001 - 581-002-0023.

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

OSBA Model Sample Administrative Regulation

Code: AC-AR(1)

~~Adopted~~ Revised/Reviewed:

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. AC-AR(2) - Sex-Based Discrimination under Title IX;
2. ACA - Americans with Disabilities Act;
3. ACB - Every Student Belongs;
4. GBEA - Workplace Harassment;
5. GBM - Staff Complaints;
6. GBMA - Whistleblower;
7. GBN/JBA - Sexual Harassment;
8. GBNA - Hazing, Harassment, Intimidation, Bullying, Menacing or Cyberbullying – Staff;
9. GBNA/JHFF - Reporting of Suspected Sexual Conduct with Students;
10. GBNAB/JHFE - Suspected Abuse of a Child Reporting Requirements;
11. IIA - Instructional Materials**;
12. JFCF - [Hazing,]Harassment, Intimidation, Bullying, [Menacing,]Cyberbullying, Teen Dating Violence, or Domestic Violence – Student**; and
13. 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 of sex-based discrimination received by the district, in addition to the procedures outlined below, must follow additional requirements in AC-AR(2) - Sex-Based Discrimination Complaints.

{¹}Complaints may be oral or in writing and ~~must~~ may 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

¹ {For district information. The district must include a timeline at each step. If a written decision is not issued within 30 days at any step, or 90 days overall, the complainant can appeal the complaint directly to the Oregon Department of Education. (OAR 581-075-0010 (the rules are amended by OAR 581-075-0901 until April 30, 2025))}

coordinator will oversee the investigation^{²} conducted by the [principal or designee] and ensure the investigation is resolved.

The [principal] shall ensure that any required notices are provided.³

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^{⁴}: 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 the next regular or special Board meeting] [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.

² {The investigator can be someone other than the civil rights coordinator or principal. }

³ See the following for notice requirements:

1. Administrative regulation ACB-AR - Bias Incident Complaint Procedures
2. Administrative regulation AC-AR(2) - Sex-Based Discrimination Under Title IX
3. Board policy GBN/JBA - Sexual Harassment

⁴ {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]~~ [Board vice chair]. The [Board vice chair] 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.

^{5} The timelines established in each step of this procedure may be extended ~~upon mutual consent of the district 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]~~ by [the district for good cause. Any extension will be communicated to the parties and include a reason for the delay] [mutual agreement between the district and complainant]. ~~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 appeal⁶ the district's final decision to the Deputy Superintendent of Public Instruction under Oregon Administrative Rules (OAR) 581-~~002-0001~~075-0001 - 581-~~002-0023~~075-0045 (the rules are amended by OAR 581-075-0901 until April 30, 2025).

Charter Schools of which the District Board is a Sponsor

[The district Board, [through its charter agreement with [name of charter school sponsored by the district board]] [through a board resolution] [through this administrative regulation], will review an appeal of a decision reached by the Board of [name of public charter school] on a complaint alleging violation of Oregon Revised Statute (ORS) 659.850 or Oregon Administrative Rule (OAR) 581-021-0045 or 581-021-0046 (Discrimination), or OAR 581-021-0655 (Duty to Designate a Civil Rights Coordinator) or 581-021-0660 (Duties of and Training Requirements for Civil Rights Coordinator). A complainant may appeal and will submit to the [superintendent] [Board chair] on behalf of the district Board within [30] days of receipt of the decision from the public charter school board. A final decision reached by this district Board may be appealed to the Oregon Department of Education under OAR 581-~~002-0001~~075-0001 - 581-~~002-0023~~075-0045 (the rules are amended by OAR 581-075-0901 until April 30, 2025.)

OR

[The district Board, [through its charter agreement with [name of public charter school sponsored by the district board]] [through a board resolution] [through this administrative regulation], will not review an appeal of a decision reached by the Board of the [name of public charter school] on a complaint alleging a violation of Oregon Revised Statute (ORS) 659.850 or Oregon Administrative Rule (OAR) 581-021-0045 or 581-021-0046 (Discrimination), or OAR 581-021-0655 (Duty to Designate a Civil Rights Coordinator) or 581-021-0660 (Duties of and Training Requirements for Civil Rights Coordinator), for which the

⁵ {If the extension of timelines is by mutual agreement, the ability of the complainant to appeal to the Deputy Superintendent of Public Instruction at 30 or 90 days is stalled until the end of the agreed upon extension.}

⁶ An appeal must meet the criteria found in OAR 581-~~002-0005(1)(a)~~075-0010 (the rules are amended by OAR 581-075-0901 until April 30, 2025).

district Board has jurisdiction, and recognizes a decision reached by the Board of [name of public charter school] as the district Board’s final decision. A final decision reached by this district Board may be appealed to the Oregon Department of Education under OAR 581-~~002-0001~~075-0001 - 581-~~002-0023~~075-0045 (the rules are amended by OAR 581-075-0901 until April 30, 2025).]

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2. ACA - Americans with Disabilities Act;
3. ACB - Every Student Belongs;
4. GBEA - Workplace Harassment;
5. GBM - Staff Complaints;
6. GBMA - Whistleblower;
7. GBN/JBA - Sexual Harassment;
8. GBNA - Hazing, Harassment, Intimidation, Bullying, Menacing or Cyberbullying – Staff;
9. GBNA/JHFF - Reporting of Suspected Sexual Conduct with Students;
10. GBNAB/JHFE - Suspected Abuse of a Child Reporting Requirements;
11. IIA - Instructional Materials**;
12. JFCF - Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, Teen Dating Violence, or Domestic Violence – Student**; and
13. 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 of sex-based discrimination received by the district, in addition to the procedures outlined below must follow additional requirements in AC-AR(2) - Sex-Based Discrimination Complaints.

Complaints may be oral or in writing and may 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 conducted by the principal or designee and ensure the investigation is resolved.

The principal shall ensure that any required notices are provided.¹

¹ See the following for notice requirements:

1. Administrative regulation ACB-AR - Bias Incident Complaint Procedures
2. Administrative regulation AC-AR(2) - Sex-Based Discrimination Under Title IX
3. Board policy GBN/JBA - Sexual Harassment

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 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 will review the merits of the complaint and the principal's decision. The superintendent 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, 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. If the Board decides 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 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. 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.

Complaints against the Board chair may start at Step 3 and be referred directly to the Board vice chair. The Board vice chair 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 by mutual agreement between the district and 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, 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 appeal² the district's final decision to the Deputy Superintendent of Public Instruction under Oregon Administrative Rules (OAR) 581-075-0001 - 581-075-0045 (the rules are amended by OAR 581-075-0901 until April 30, 2025).

² An appeal must meet the criteria found in OAR 581-075-0010 (the rules are amended by OAR 581-075-0901 until April 30, 2025).

