

## 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:** Complaints may be oral or in writing and must be filed with 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.

Any staff member that receives a written or oral complaint shall report the complaint to the program administrator.

**Step 2:** If the complainant wishes to appeal the decision of the program administrator, he/she 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 may review the program director's decision and may meet with all parties involved. The superintendent or designee will review the merits of the complaint and the program director's decision and 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. 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 within 10 days of this meeting.

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

Timelines may be extended based upon mutual consent of both parties in writing.

If the complainant, is a person who resides within the ESD boundaries, 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, or 90 days, whichever occurs first, he/she may appeal in writing to the State Superintendent of Public Instruction under Oregon Administrative Rule (OAR) 581-021-0049.

**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 Origin                       Disability  
    Marital Status                       Age                       Sexual Orientation  
    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: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This complaint form should be mailed or submitted 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.