

## **Sexual Harassment Complaint Procedure**

Principals, supervisors and the superintendent have responsibility for investigations concerning sexual harassment. The superintendent or designee shall appoint the investigator(s) who shall be a neutral party having had no involvement in the complaint presented.

### **Step 1**

Any sexual harassment information (complaints, rumors, etc.) shall be presented to the principal, supervisors or superintendent within a reasonable amount of time. All such information shall be reduced to writing and will include the specific nature of the sexual harassment and corresponding dates.

### **Step 2**

The district official receiving the information or complaint shall promptly initiate an investigation. He/She will arrange such meetings as may be necessary to discuss the issue with all concerned parties within 10 working days after receipt of the information or complaint. All findings of the investigation, including the response of the alleged harasser, shall be reduced to writing. The district official(s) conducting the investigation shall notify the complainant in writing when the investigation is concluded. The parties will have an opportunity to submit evidence and a list of witnesses.

A copy of the notification letter, together with any other documentation related to the sexual harassment incident, including disciplinary action taken or recommended, shall be forwarded to the superintendent.

### **Step 3**

If a complainant is not satisfied with the decision at Step 2, he/she may submit a written appeal to the superintendent or designee. Such appeal must be filed within 10 working days after receipt of the Step 2 decision. The superintendent or designee will arrange such meetings with the complainant and other affected parties as deemed necessary to discuss the appeal. The superintendent or designee shall provide a written decision to the complainant within 10 working days.

### **Step 4**

If a complainant is not satisfied with the decision at Step 3, he/she may submit a written appeal to the Board. Such appeal must be filed within 10 working days after receipt of the Step 3 decision. The Board shall, within 20 working days, conduct a hearing at which time the complainant shall be given an opportunity to present the appeal. The Board shall provide a written decision to the complainant within 30 working days following completion of the hearing.

## **Step 5**

If the complaint is not satisfactorily settled at the Board level, the employee may appeal to the U.S. Department of Labor, Equal Employment Opportunity Commission or Oregon Bureau of Labor and Industries; the student may appeal to the Regional Civil Rights Director, U.S. Department of Education, Office for Civil Rights, Region X, 915 2nd Ave., Room 3310, Seattle, WA 98174-1099. Additional information regarding filing of a complaint may be obtained through the building principal, compliance officer or superintendent.

All documentation related to sexual harassment complaints may become part of the student's education record or employee's personnel file as appropriate. Additionally, a copy of all sexual harassment complaints and documentation will be maintained as a confidential file and stored in the district office.

The superintendent shall report the name of any person holding a teaching license, registered with the Teacher Standards and Practices Commission (TSPC) or participating in a practicum under OAR 584-015-0070 or 584-016-1075 when, after appropriate investigation, there is reasonable cause to believe the person may have committed an act of sexual harassment. Reports shall be made to TSPC within 30 days of such a finding. Reports of sexual contact with a student shall be given to law enforcement representatives or Services to Children and Families representatives as possible child abuse. In the event the superintendent is the subject of the investigation, reports, when required, shall be made by the Board chair.

**Harassment Complaint Form**

Name of complainant: \_\_\_\_\_

Occupation of complainant: \_\_\_\_\_

Date of complaint: \_\_\_\_\_

Name of alleged harasser: \_\_\_\_\_

Date and place of incident or incidents: \_\_\_\_\_

Description of misconduct: \_\_\_\_\_

Name of witnesses (if any): \_\_\_\_\_

Response to incident by complainant: \_\_\_\_\_

\_\_\_\_\_

Evidence of harassment, i.e., letters, photos, etc. (attach evidence if possible): \_\_\_\_\_

\_\_\_\_\_

Other Incidents: \_\_\_\_\_

\_\_\_\_\_

Any other information: \_\_\_\_\_

\_\_\_\_\_

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Investigation of the complaint shall be initiated within five working days of this date. If a complainant is not satisfied with the decision they may submit a written appeal to the superintendent within 10 working days of the decision.**

## **Discrimination Complaint/Grievance Procedure**

Complaints regarding the interpretation or application of the district's nondiscrimination policy shall be processed in accordance with the following procedures:

### **Informal Procedure**

Any person who feels that he/she has been discriminated against should discuss the matter with the building principal, who shall in turn investigate the complaint and respond to the complainant within five working days. If this response is not acceptable to the complainant, he/she may initiate formal procedures.

If the principal is the subject of the complaint, the individual may file a complaint directly with the superintendent. If the superintendent is the subject of the complaint, the complaint may be filed with the Board chair.

### **Formal Procedure**

#### **Step 1**

A written complaint must be filed with the principal within five working days of receipt of the response to the informal complaint. The principal shall further investigate, decide the merits of the complaint and determine the action to be taken, if any, and reply, in writing, to the complainant within 10 working days.

#### **Step 2**

If the complainant wishes to appeal the decision of the principal, he/she may submit a written appeal to the superintendent within five working days after receipt of the building principal's response to the complaint. The superintendent shall meet with all parties involved, as necessary, make a decision and respond, in writing, to the complaint within 10 working 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 working days of receipt of the superintendent's response to Step 2. In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representative at the next regular or special Board meeting. A copy of the Board's decision shall be sent to the complainant within 10 working days of this meeting.

If the complainant is not satisfied after exhausting local complaint procedures, or 90 working days, whichever occurs first, he/she may appeal in writing to the Superintendent of Public Instruction.

Complaints filed or needing investigation during summer months while principals and staff are not on duty will be delayed until all parties return to work the next school year.

## Discrimination Complaint Form

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Name of Person Filing Complaint	Date	School or Activity
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Student/Parent     Employee     Nonemployee (Job applicant)

Type of discrimination:     Race                       Color                       Religion  
 Sex                       National Origin                       Disability  
 Marital Status     Age                       Sexual Orientation

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

Remedy requested:

The complaint form should be mailed or taken to the building 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.

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Signature

## **Procedimiento de Quejas por Discriminación**

Quejas de discriminación en cuanto a la interpretación o la aplicación del curso de acción del distrito escritas sobre la nodiscriminación, deben de presentarse según los siguientes procesos:

### **Proceso Informal**

Cualquier persona que sienta que ha sido discriminada debe discutir el asunto con el principal del edificio. El principal, a su vez, investigará la queja y responderá al querellante en cinco días de trabajo desde que escuchó la queja. Si la respuesta del principal no es aceptable al querellante, él/ella puede iniciar un proceso formal.

Si el principal es el sujeto del querellante, el individuo puede proceder con su queja directamente al superintendente. Si el superintendente es el sujeto del querellante, el querellante puede proceder con su queja directamente con el presidente de la Junta escolar (school Board).

### **Proceso Formal**

#### **Paso 1**

Una queja escrita puede ser entregada al principal del edificio en cinco días de trabajo desde que recibió respuesta sobre la queja informal. El principal del edificio debe seguir investigando, decidir los méritos de la queja, y determinar el proceso de acción que debe proceder, si alguno, y reponder en forma escrita al querellante en 10 días de trabajo.

#### **Paso 2**

Si el querellante desea apelar la decisión del principal, él/ella puede someter una petición al superintendente entre cinco días de trabajo desde que recibió la respuesta del principal sobre la queja. El superintendente se juntará con todas las personas involucradas, como sea necesario, y hará una decisión y responderá en una respuesta escrita al querellante entre 10 días de trabajo.

#### **Paso 3**

Si el querellante no está satisfecho (a) con la decisión del superintendente, puede someter una petición escrita a la Junta escolar (school Board) entre cinco días de trabajo desde que recibió la respuesta del superintendente al Paso II. En el esfuerzo de resolver la queja, la Junta escolar (school Board) tendrá una reunión con todas las personas relacionadas en la queja y sus representantes en la próxima sesión de la Junta escolar o en una sesión especial de la Junta escolar para este propósito. Una copia de la decisión de la Junta escolar se enviará al querellante entre 10 días trabajo desde que la Junta escolar tuvo esta sesión.

Si el querellante no está satisfecho después de haber exhausto el procedimiento local, o después de 90 días de trabajo, o cual ocurra primero, él/ella puede apelar en forma escrita al Superintendente de Instrucción Publica.

Quejas presentadas o que necesitan investigación durante los meses de verano mientras los principales u otros trabajadores (staff) no están trabajando será demorada hasta que todos las personas involucradas puedan regresar al trabajo el próximo año escolar.

## Formulario para Quejas de Discriminación

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Nombre del Querellante                      Fecha                      Escuela o Actividad

Estudiante/Padre     Empleado     Sin empleo/Solicitando trabajo

Tipo de discriminación:     Raza                       Color                       Religión  
 Sexo                       Nacionalidad Original                       Invalidez  
 Estado Civil     Orientación Sexual                       Edad

Queja específica: (Favor de proveer detalles en la información, incluyendo nombres, fechas, lugares, actividades y resultados de la discusión informal.)

Remedio sugerido:

La queja debe ser enviada por correo o a mano al principal de su edificio. (Quejas directas relacionadas a programas educacionales o servicios deben ser hechas al U.S. Department of Education, Office for Civil Rights. Quejas directas relacionadas con el empleo deben ser archivadas con el Oregon Bureau of Labor and Industries, Civil Rights Division, o con el U.S. Department of Labor, Equal Employment Opportunities Commission.)

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