

Sexual Harassment Complaint Procedure

MESD administrators, the compliance officer and superintendent have responsibility for complaints and investigations concerning sexual harassment. The investigator(s) will be a neutral party having had no involvement in the complaint presented.

Step 1 Any sexual harassment information (i.e., complaints, rumors, etc.) will be presented to the school principal or the MESD program administrator, compliance officer or superintendent. All such information will be reduced to writing and will include the specific nature of the sexual harassment and corresponding dates. The complaint will be reported to the superintendent or designee who will notify the MESD's general counsel.

The ESD official receiving the complaint shall cause the ESD to provide written notice from the ESD to the complainant that includes:

1. Their rights;
2. Information about the internal complaint process available through the ESD that the complainant may pursue;
3. Notice that civil and criminal remedies that are not provided by the ESD may be available to the complainant through the legal system and that those remedies may be subject to statutes of limitation;
4. Information about services available to the student or staff member complainant through the ESD including any counseling services, nursing services or peer advising;
5. Information about the privacy rights of the complainant and legally recognized exceptions to those rights for internal complaint processes and services available through the ESD; and
6. Information about, and contact information for, state and community-based services and resources that are available to persons who have experienced sexual harassment.

This written notification must be:

1. Written in plain language that is easy to understand;
2. Use print that is the color, size, and font that allow the notification to be easily read; and
3. Made available to student, students' parents, staff members and members of the public on the ESD website.

Step 2 The MESD official receiving the information or complaint will promptly initiate an investigation. The official will arrange such meetings as may be necessary to discuss the issue with all concerned parties within five working days after receipt of the information or complaint. All findings of the investigation, including the response of the alleged harasser, will be reduced to writing. The MESD official(s) conducting the investigation shall notify the complainant in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law. The parties will have an opportunity to submit evidence and a list of witnesses.

A copy of the notification letter provided in Step 1 and the date and details of notification to the complainant of the results of the investigation, together with any other documentation related to the sexual harassment incident, including disciplinary action taken or recommended, will be forwarded to the superintendent.

Step 3 If a complainant is not satisfied with the decision at Step 2, the complainant 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 will 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, the complainant 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 will, within 20 working days, conduct a hearing at which time the complainant shall be given an opportunity to present the appeal. The Board will provide a written decision to the complainant within 10 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.

Complaints against an ESD principal may start at Step 3 and may be filed with the Superintendent. The Superintendent will cause the notice requirements in Step 1 to be completed. The Superintendent will investigate the complaint and will notify the complainant in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law. If the complaint remains unresolved within 10 working days of receipt by the Superintendent, the complainant may appeal to the Board in Step 4.

Complaints against the Superintendent may start at Step 4 and should be referred to the Board chair on behalf of the Board. The Board chair will cause the notice requirements identified in Step 1 to be completed. The Board chair shall present the complaint to the Board. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. The Board chair shall notify the complainant in writing that the investigation is concluded and if a violation of policy was found to have occurred to the extent allowable by law. After receiving the results of the investigation, the Board shall decide, within 20 days, in open

session what action, if any, is warranted.

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 at the MESD central office.

The superintendent will report the name of any person holding a teaching license or 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 will be made to the TSPC within 30 days of such a finding.

Reports of sexual contact with a student will be given to a representative of law enforcement or Oregon Department of Human Services, Community Human Services, as possible child abuse.

In the event the superintendent is the subject of the investigation, reports, when required, will be made by the Board chair.