

Public Complaints *

The Board advises that the process for resolving a complaints is as follows:

1. Teacher/Employee;
2. Principal/Supervisor;
3. Superintendent/Designee;
4. Board.

The complaint procedure is available at the district's administrative office and on the home page of the district's website.

If your complaint addresses one or more of the issues identified below, you may use the complaint process available in any of the following policies and administrative regulations (AR):

1. Discrimination or harassment on any basis protected by law: Board policy AC, AC-AR;
2. Sexual harassment (staff): Board policy GBN, GBN-AR;
3. Sexual harassment (student): Board policy JBA, JBA-AR;
4. Hazing, harassment, intimidation, bullying, menacing or cyberbullying (staff): Board policy GBNA, GBNA-AR;
5. Harassment, intimidation, bullying, menacing, cyberbullying, teen dating violence or domestic violence (student): Board policy JFCF, JFCF-AR;
6. Sexual conduct with a student: Board policy JHFF, JHFF-AR;
7. Instructional resources or instructional materials: Board policy IIA, IIA-AR;
8. Complaints regarding the Talented and Gifted Program (TAG): Board policy IGBBC, IGBBC-AR. Any complaint about school personnel other than the superintendent will be investigated by the administration before consideration and action by the Board. The Board will not hear complaints against employees in a session open to the public unless an employee requests an open session.

A complaint of retaliation against a student or a student's parent who in good faith reported information that the student believes is evidence of a violation of state and federal law, rule or regulation, should be reported to the administrator.

Complaints against the principal may start at step 3 may be filed with the superintendent.

Complaints against the superintendent may start at step 4 and should be referred to the Board chair on behalf of the Board.

Complaints against the Board as a whole or against an individual Board member may start at step 4 and should be made to the Board chair on behalf of the Board.

Complaints against the Board chair may start at step 4 and may be made directly to the Board vice chair on behalf of the Board.

The district may offer mediation or another alternative dispute resolution process as an option if all parties to the complaint agree in writing to participate in such mediation or resolution.]

A complainant must file a complaint within the later of either time limit set below, in accordance with state law:

1. Within two years after the alleged violation or unlawful incident occurred or the complainant discovered the alleged violation or unlawful incident. For incidents that are continuing in nature, the time limitation must run from the date of the most recent incident; or
2. Within one year after the affected student has graduated from, moved away from or otherwise left the district.]

The superintendent will develop and administer the general complaint process, as appropriate.

If a complainant, who is a parent or guardian of a student who attends school in the district, is a student or a person who resides in the district alleges a violation of Oregon Administrative Rule (OAR), Chapter 581, Division 22 (Standards), ORS 339.285 to 339.383 or OAR 581-021-0550 to 581-021-0570 (Restraint and Seclusion) or ORS. 659.852 (Retaliation) and the complaint is not resolved through the complaint process, the complainant may have appeal rights with the Deputy Superintendent as outlined in 581-002-0040

If the complaint alleges discrimination pursuant to ORS 659.850 (Discrimination) and the complaint is not resolved at the local level through administrative regulation AC-AR - Discrimination Complaint Procedure, the complaint may meet the criteria to file an appeal with the Superintendent of Public Instruction as outlined in OAR 581-021-0049.

END OF POLICY

Legal Reference(s):

ORS 192.610 to -192.690
ORS 332.107

ORS 659.852

OAR 581-022-2370

Anderson v. Central Point Sch. Dist., 746 F.2d 505 (9th Cir. 1984).
Connick v. Myers, 461 U.S. 138 (1983).

Public Complaint Procedure

Step One

Any member of the public who wishes to express a concern should discuss the matter with the school employee involved. The employee shall respond within [five] working days.

The Administrator: Step Two

If the individual is unable to resolve a problem or concern with the employee, the individual may file a written, signed complaint with the administrator. The administrator shall evaluate the complaint and render a decision within [five] working days after receiving the complaint.

The Superintendent: Step Three

If Step 2 does not resolve the complaint, within [10] working days of the meeting with the administrator, the complainant, if he/she wishes to pursue the action, shall file a signed, written complaint with the superintendent or designee clearly stating the nature of the complaint and a suggested remedy. (A form is available, but is not required.)

The superintendent or designee shall investigate the complaint, confer with the complainant and the parties involved and prepare a report of his/her findings and conclusion and provide the report in writing or in an electronic form to the complainant within [10] working days after receiving the written complaint.

The Board: Step Four

If the complainant is dissatisfied with the superintendent's or designee's findings and conclusion, the complainant may appeal the decision to the Board within [five] working days of receiving the superintendent's decision. The Board may hold a hearing to review the findings and conclusion of the superintendent, to hear the complaint and to hear and evaluate any other evidence as it deems appropriate. All parties involved, including the school administration, may be asked to attend such hearing for the purposes of making further explanations and clarifying the issues.

If the Board chooses not to hear the complaint, the superintendent's decision is final.

The Board may hold the hearing in executive session if the subject matter qualifies under Oregon law.

The complainant shall be informed in writing or in electronic form of the Board's decision within [20] working days from the hearing of the appeal by the Board. The Board's decision will address each allegation in the complaint and contain reasons for the district's decision. The Board's decision will be final.

The complaint procedure set out above will not be longer than 90 days from the filing date of the original complaint with the administrator.¹²

The final decision for a complaint processed under this administrative regulation that alleges a violation of OAR Chapter 581, Division 22 (Standards), ORS 339.285 to 339.383 or OAR 581-021-0550 to 581-021-0570 (Restraint and Seclusion) or ORS 659.852 (Retaliation), will be issued in writing or electronic form. The final decision will address each allegation in the complaint and contain reasons for the district's decision. If a the complainant is a student, parent or guardian of a student attending school in the district or a person that resides in the district, and this complaint is not resolved through the complaint process, may have appeal rights with the Deputy Superintendent of Public Instruction as outlined in Oregon Administrative Rule (OAR) 581-002-0040.

If the complaint alleges discrimination pursuant to ORS 659.850 (Discrimination) and the complaint is not resolved at the local level through the Board's administrative regulation AC-AR - Discrimination Complaint Procedure, the complaint may meet the criteria to file an appeal with the Deputy Superintendent of Public Instruction as outlined in OAR 581-021-0049.

Complaints against the principal may be filed with the superintendent. The superintendent will attempt to resolve the complaint. If the complaint remains unresolved within [10] working days of receipt by the superintendent, the complainant may request to place the complaint on the Board agenda at the next regularly scheduled or special Board meeting.

Complaints against the superintendent should be referred to the Board chair on behalf of the Board. 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. After receiving the results of the investigation, the Board shall decide, within [20] days, in open session what action, if any, is warranted.

Complaints against the Board as a whole or against an individual Board member should be made to the Board chair on behalf of the Board. 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. After receiving the results of the investigation, the Board shall decide, within [20] days, in open session what action, if any, is warranted.

Complaints against the Board chair may be made directly to the [district counsel] [Board vice chair] on behalf of the Board. The [district counsel] [Board vice 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. After receiving the results of the investigation, the Board shall decide, within [20] days, in open session what action, if any, is warranted.

¹The timelines may be extended upon written agreement between both parties.

²This also applies to complaints filed against the superintendent or any Board member.

[Name of District]

COMPLAINT FORM

TO: District Office _____ (Name of School)

Person Making Complaint _____

Telephone Number _____ Date _____

Nature of Complaint _____

Who should we talk to and what evidence should we consider? _____

Suggested solution/resolution/outcome: _____

Signature of Complainant: _____ Date: _____

Office Use: Disposition of Complaint: _____ _____ Signature: _____ Date: _____

cc: District Office

HR/28/17 | PH