
Complaints concerning discrimination, harassment (including sexual harassment), intimidation, bullying, cyberbullying, menacing, hazing, teen dating violence, and sexual conduct with a student by a district employee, may be filed by a student, parent, district employee, or third party. All complaints will be processed in accordance with the following procedures:

STEP 1

Any information or complaints regarding discrimination, harassment (including sexual harassment), intimidation, bullying, cyberbullying, menacing, hazing, teen dating violence, and prohibited sexual conduct with a student by a district employee shall be presented to the building principal, site administrator or Superintendent or designee in writing by using the attached Complaint Reporting Form. Students and volunteers may make anonymous complaints.

Complaints against a building principal or site administrator shall be filed with the Superintendent or designee. Complaints against the Superintendent shall be filed with the Board chair.

All information and / or complaint(s) shall be submitted in writing using the attached complaint form. If the complaint involves discrimination on the basis of sex (including complaints alleging sexual harassment, teen dating violence, or sexual conduct with a student by a district employee), the person receiving the complaint shall immediately notify the District's Title IX Coordinator of the complaint:

Human Resources Director
520 NW Wall Street
Bend, OR 97703
541-355-1100
titleix.coordinator@bend.k12.or.us

The Title IX Coordinator will assist the district official with processing a sex discrimination complaint, including the evaluation of a request for confidentiality on the part of the alleged victim(s).

If the complaint involves discrimination on the basis of disability, the person receiving the complaint shall immediately notify the District's 504 Coordinator of the complaint:

Director of Special Programs
520 NW Wall Street
Bend, OR 97703
541-355-1060
sean.reinhart@bend.k12.or.us

If the complaint involves an allegation of sexual harassment, please see the following form notice attached as required by ORS 342.704(4).

If the complaint involves an allegation of prohibited sexual conduct, the person receiving the complaint must inform the Teacher Standards and Practices Commission (for employees with a TSPC license) or the Department of Education (for employees without a TSPC license) about the reported allegation, and the appropriate agency will investigate the complaint.

STEP 2

The district official receiving the complaint shall conduct, or cause to have conducted by an appropriate impartial investigator, a prompt, thorough, and equitable investigation of the complaint. An investigation is a detailed inquiry into the factual allegations of a report of a potential violation of AC-AP: Non-Discrimination, based on interviews with the complainant, witnesses, and the person who is the subject of the report; and review of relevant documents and/or recordings. Each party to the investigation will be given an equal opportunity to present evidence to the investigator. The investigator will complete the investigation by determining, as promptly as possible:

1. whether the complaint is substantiated based on the same standard of evidence the district would apply to any other misconduct allegation against the respondent, and
2. If substantiated, any action to be taken.

Complaints shall be fully investigated in no more than 60 calendar days. For complaints involving allegations of sexual harassment, the district official receiving the complaint shall notify the person who initiated the complaint, and, if applicable, the student's parents, when the investigation has been initiated. If the complexity of a complaint necessitates a longer period of time for investigation, the investigator shall inform the complainant that more time is needed and give an estimate of the time needed to fully investigate. The investigator shall provide the parties to the complaint with an update on the status of the investigation if one of the parties requests an update. District personnel shall cooperate with an investigation and respond truthfully, promptly, and fully. Failure to do so may result in disciplinary action, including but not limited to termination. Investigators must also protect any collective bargaining agreement rights of the respondent. If a respondent or the complainant is a student with a disability, the investigator must follow the procedural safeguards in the IDEA as well as the requirements of Section 504 of the Rehabilitation Act of 1973 when processing the complaint.

The investigator may also order reasonable temporary relief to protect the respective interests of the alleged victim and/or respondent prior to the time of any final decision by the investigator. Temporary relief should be designed to prevent any continuing harassment, to correct the discriminatory effects of harassment, to promote a non-hostile environment, and to prevent any person involved in the complaint from receiving inappropriate consequences related to the complaint prior to a final determination being made. This temporary relief shall be made on a case-by-case basis, will be based on available facts, and will not disproportionately impact the complainant. At the request of a party to the complaint, the investigator will also provide the party with information regarding local sources of counseling, advocacy, and support. If the complaint includes an allegation of sexual conduct, the district will take necessary actions as provided in ORS 339.388 to ensure the student's safety after a report is received, including placing an employee on paid administrative leave pending an investigation or prohibiting a contractor, agent, or volunteer from providing services to the district.

STEP 3

Upon concluding the investigation, within 10 working days, the investigator shall notify both parties of the outcome of the complaint, (including whether a violation of AC-AP: Non-Discrimination was found to have occurred), and, if appropriate, that remedial action has been taken. The investigator will not disclose any information, punishments, or remedial actions that are ordered in the notification of the investigator's findings to the extent that any such information may be protected from disclosure by FERPA, employment laws, or any other relevant laws, rules, or regulations. The notification must be in writing, must be provided to both parties, and must include a description of the appeal process set forth in Step 4 below. The complainant must also be informed as to any individual remedies offered or provided to the complainant and other steps the district has taken to eliminate the hostile environment, if the district finds one to exist, and prevent recurrence. The perpetrator is not notified of the individual remedies offered or provided to the complainant.

STEP 4

If either party to a complaint is not satisfied with the decision at Step 3, he or she may submit a written appeal to the Superintendent or designee. If the complaint is against the Superintendent, an appeal must be directed to the Board chair or designee. Such appeal must be filed within 10 calendar days after receipt of the Step 3 decision, otherwise the parties' appeal rights will be deemed waived. The person hearing the appeal will arrange such meetings with the complainant and other affected parties as deemed necessary to process the appeal and will give both parties an equal opportunity to present evidence on appeal. The person hearing the appeal shall provide a written decision to both parties within 10 working days of receiving the appeal unless the person hearing the appeal needs additional time based on the complexity of the complaint or the need for additional investigation. If the person hearing the appeal needs additional time, he or she will inform the parties that additional time is needed and will provide the parties with an estimate of how long he or she will need.

If the complainant is not satisfied with the response of the Superintendent or designee, a written appeal may be filed with the Board chair within 10 business days of receipt of the Superintendent or designee's response. The Board will review the complaint and response and at its discretion, may schedule a hearing. After review of the complaint and response, or following any hearing, the Board will notify the complainant whether it affirms the response of the Superintendent or designee, or whether further action is appropriate. If the complainant is not satisfied after exhausting local complaint procedures, or 90 days has elapsed, or whichever occurs first, he or she may appeal in writing to the Oregon Department of Education per OAR 581-021-0049.

Nothing in this procedure shall limit the authority of district officials to resolve any matter through informal processes, such as mediation, before or during the formal process outlined above. Complainants must be notified of the right to end the informal process at any time.

Documentation related to the incident may be maintained as a part of the student's education records or employee's personnel file.

Reviewed: 12/17/12, 5/5/14, 6/5/18, 3/15/19, 10/16/19
Approved: 12/17/12, 5/6/14, 6/8/18, 9/5/19, 10/28/19

* This Administrative Regulation is intended to consolidate the following and administrative regulations:

- AC-AR: Discrimination Complaint / Grievance Procedure
- JBA / GBN-AR: Harassment / Intimidation / Bullying / Cyberbullying
- JFCFA / GBNAAR: Cyberbullying
- JFH-AR: Student Complaints

NOTIFICATION

SEXUAL HARASSMENT COMPLAINT PROCEDURES AND RESOURCES

Rights of Complainant

- The right to work, attend, or be present at district schools and activities free from any sexual harassment.
- The right to file a complaint pursuant to AC-AP: Non-Discrimination, when a person feels the person is or has been the victim of sexual harassment.
- The right to be notified when the investigation is concluded and as to whether a violation of the policy was found to have occurred, to the extent allowable under state and federal confidentiality laws.

A person who initiates a complaint in good faith may not be retaliated against. The initiation of a complaint by an employee in good faith about behavior that may violate the policy may not adversely affect any terms or conditions of employment or work environment of the staff member who initiated the complaint. The initiation of a complaint by a student or student's parent in good faith about behavior that may violate this policy may not adversely affect the educational assignments or educational environment of the student who initiated the complaint.

Complaint Procedure

Complaints of sexual harassment should be made to the building principal or site administrator. Complaints against a building principal or site administrator should be made to the Superintendent or designee. Complaints against the Superintendent should be made to the Board chair. The sexual harassment complaint procedure is set forth in AC-AR: Discrimination Complaint Procedure, which can be found [here](#) on the district's website.

School and District Services for Employees and Students

The following district services are available to victims of sexual harassment who are employees of the district:

- Employee Assistance Program through Reliant Behavioral Health / OEBC (www.MyRBH.com / 1-866-750-1327)
- [SafeOregon](#) / www.safeoregon.com/report-a-tip/ : employees can report anything from vandalism to theft to cyberbullying
- Human Resources (541-355-1100)
- School Resource Officers

The following district services are available to victims of sexual harassment who are students of the district:

- **Available at schools:** [school counselors](#), [school nurses](#), [FAN advocates](#) and [School Resource Officers](#)
- [First Step](#) / www.firststeporegon.org : access to the free counseling and support resources
- [SafeOregon](#) / www.safeoregon.com/report-a-tip/ : students can report anything from vandalism to theft to cyberbullying
- YouthLine – a free and confidential teen-to-teen help line
 - Text: text the phrase “teen2teen” to 839863
 - Talk: 877-968-8491
 - Email: Teen2Teen@LinesForLife.org

State and Community Based Services

A victim of sexual harassment can locate services available in our community by accessing the Oregon Attorney General's Sexual Assault Task Force website <http://oregonsatf.org/help-for-survivors/#deschutes>

Direct complaints related to educational programs and services may be made to the Regional Civil Rights Director, U.S. Department of Education, Office for Civil Rights, Region X, 915 2nd Ave, Room 3310, Seattle, WA 98174-1009. Direct complaints related to employment may be filed with the U.S. Department of Labor (1-866-487-2365), Equal Employment Opportunity Commission (909 First Avenue, Suite 400, Seattle, WA 98104, (800-669-4000) or Oregon Bureau of Labor and Industries (800 NE Oregon St., Suite 1045, Portland, OR 97232, 971-673-0764).

Privacy Rights

The district will keep all documentation related to sexual harassment complaints as confidential as is allowable under the law. Please note that the district may be required to disclose records in some instances per the Family Education Rights and Privacy Act (FERPA), the Oregon Public Records Law, the Oregon Public Employees Collective Bargaining Act, or a court order, subpoena, or discovery request.

Please note that civil and criminal remedies that are not provided by the school or district may be available through the legal system and those remedies may be subject to statutes of limitations.