

**BEND-LA PINE SCHOOLS**

Administrative School District No. 1  
Deschutes County, Oregon

**ADMINISTRATIVE REGULATION**

Name: Sexual Harassment Complaint Procedures

Section:

Code: GBN/JBA-AR (1)

Reports and complaints of sexual harassment should be made to the following individual(s):

Chief Human Resources Officer / Title IX Coordinator  
520 NW Wall Street  
Bend, OR 97703  
541-355-1100  
[titleix.coordinator@bend.k12.or.us](mailto:titleix.coordinator@bend.k12.or.us)

The district official receiving the complaint shall issue the required written notice as outlined under Oregon Procedures in Board Policy JBA/GBN-BP: Sexual Harassment.

**Reporting Procedures**

All reports and information will be promptly investigated in accordance with the following procedures:

**STEP 1**

The district official receiving the report or complaint shall promptly initiate an investigation using procedures and standards, including but not limited to, those identified in Board Policy JBA/GBN-BP: Sexual Harassment and will notify the complainant or reporting person, any impacted person who is not a reporting person (if appropriate), each reported person, and where applicable the parents/guardians of a reporting person, impacted person, or reported person, when such investigation is initiated. The official will arrange such meetings as may be necessary to discuss the issue with all concerned parties within 10 business days after receipt of the report or complaint. The parties will have an opportunity to submit evidence and a list of witnesses. All findings of the investigation shall be reduced to writing. The official conducting the investigation shall notify the parties 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 within 30 business days of receipt of the report or complaint.

A copy of the required written notice(s) and the date and details of notification of the notice of investigation and results of the investigation, together with any other documentation related to the sexual harassment incident, including disciplinary action taken or recommended, shall be forwarded to the Superintendent.

**STEP 2**

If a complainant is not satisfied with the decision at Step 1, the complainant may submit a written appeal to the Superintendent or designee. Such appeal must be filed within 10 calendar days after receipt of the Step 1 decision. The Superintendent or designee may 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 business days after completion of meetings deemed necessary to discuss the appeal.

**STEP 3**

If a complainant is not satisfied with the decision at Step 2, the complainant may submit a written appeal to the Board Chair. Such appeal must be filed within 10 calendar days after receipt of the Step 2 decision. The Board will review the decision of the Superintendent or designee in a public meeting to determine what action is appropriate. The Board may use executive session if the subject matter qualifies under Oregon law. Appropriate action may include, but is not limited to, holding a hearing, requesting additional information, and adopting the Superintendent's or designee's decision. All parties involved, including the district administration, may be asked to attend a hearing for the purposes of making further explanations and clarifying the issues. The Board shall provide a written decision to the complainant within 30 business days following the completion of the hearing.

If the Board chooses not to hear the complaint, the Superintendent's or designee's decision in Step 2 is final. The Superintendent's or designee's written decision must meet the requirements of OAR 581-022-2370(4)(b).

The Superintendent is authorized to amend these procedures (including timelines) when the Superintendent feels it is necessary for the efficient handling of the complaint. Notice of any amendments will be promptly provided to the parties.

Complaints against a principal may start at Step 2 and may be filed with the Superintendent or designee. The Superintendent or designee will cause the required notices to be provided. The Superintendent or designee will investigate the complaint and will notify the parties 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 business days of receipt by the Superintendent or designee, the complainant may appeal to the Board as described in Step 3.

Complaints against the Superintendent or a Board member (other than the Board Chair) may start at Step 3 and should be referred to the Board Chair on behalf of the Board. The Board Chair will cause required notices to be provided. The Board Chair shall present the complaint to the Board. The Board may use executive session if the subject matter qualifies under Oregon law. 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 30 business days, in open session what action, if any, is warranted. The Board Chair shall notify the parties 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.

Complaints against the Board Chair may start at Step 3 and should be referred to the Board Vice Chair or district legal counsel on behalf of the Board. The Board Vice Chair will cause required notices to be provided. The Board Vice Chair shall present the complaint to the Board. The Board may use executive session if the subject matter qualifies under Oregon law. 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 30 business days, in open session what action, if any, is warranted. The Board Vice Chair shall notify the parties 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.

Direct complaints related to employment may be filed with the U.S. Department of Labor, Equal Employment Opportunity Commission or Oregon Bureau of Labor and Industries.

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 98174-1099.

Additional information regarding filing of a complaint or report may be obtained through the 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 or reports 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 or registered with Teacher Standards and Practices Commission (TSPC) or participating in a practicum under Oregon Administrative Rule (OAR) Chapter 584, Division 17, 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 a representative from law enforcement or Oregon Department of Human Services, as possible child abuse.

## 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-BP: 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/guardian 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 GBN/JBA-AR(1) Sexual Harassment Complaint Procedure and GBN/JBA-AR(2): Federal Law (Title IX) Sexual Harassment Complaint Procedure can be found 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 Uprise Health / OEBC (<https://members.uprisehealth.com/> access code: OEBC)
- [SafeOregon / www.safeoregon.com/report-a-tip/](http://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](http://www.firststeporegon.org) : access to the free counseling and support resources
- [SafeOregon / www.safeoregon.com/report-a-tip/](http://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](mailto: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 2<sup>nd</sup> 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.**