
Complaints regarding discrimination or harassment, on any basis protected by law, shall be processed in accordance with the following procedures:

STEP 1

Any information or complaints shall be presented to the building principal, site administrator, Superintendent or designee. Complaints may be oral, or in writing, preferably using Bend-La Pine Schools' Complaint Reporting Form. Students and volunteers may make anonymous complaints. Any staff member that receives an oral or written complaint shall report the complaint to the appropriate person.

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. Complaints against an individual board member should be made to the Board Chair, who will act on behalf of the board. Complaints against the Board Chair should be made directly to the Board Vice Chair or district legal counsel on behalf of the Board. The Board may refer the investigation to a third party.

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-BP: 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. Complaints involving allegations of sexual harassment will be processed as described in GBN/JBA-AR(1): Sexual Harassment Complaint Procedure, or GBN/JBA-AR(2): Federal Law (Title IX) Sexual Harassment Complaint Procedure. 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 business days, the investigator shall notify both parties of the outcome of the complaint, (including whether a violation of AC-BP: 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 business 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, they will inform the parties that additional time is needed and will provide the parties with an estimate of how long they 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 calendar 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, they may appeal in writing to the Oregon Department of Education per OAR 581-002-0001 – 581-002-0023.

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.

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