

**BEND-LA PINE SCHOOLS**  
Administrative School District No. 1  
Deschutes County, Oregon  
**ADMINISTRATIVE REGULATION**

Name: Discrimination Complaint Procedure  
Section:  
Code: AC-AR\*

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Complaints concerning discrimination, harassment (including sexual harassment), intimidation, bullying, cyberbullying, menacing, hazing, teen dating violence, sexual 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, sexual violence, and 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, sexual violence, 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](mailto: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  
Insert email address

**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 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. 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, 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.

### **STEP 3**

Upon concluding the investigation, within 10 working days, the investigator shall notify both parties of the outcome of the complaint, 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  
Approved: 12/17/12, 5/6/14, 6/8/18

\* 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 / GBNA-AR: Cyberbullying
- JFH-AR: Student Complaints