

Public Complaint Procedure

Complaints, questions and concerns about issues and events over which the District has control shall be processed thoroughly and in a timely manner.

Certain categories of complaints must be processed under other District policies and administrative regulations as a result of federal or state law and/or confidentiality issues. They include:

- Complaints alleging discrimination based upon a complainant's protected class status are processed under administrative regulation AC-AR - Discrimination Complaint Procedure.
- Complaints alleging sexual harassment of District students are processed under administrative regulation JBA/GBN-AR - Sexual Harassment Complaint Procedure.
- Complaints alleging sexual harassment of District staff are processed under administrative regulation GBN/JBA-AR - Sexual Harassment Complaint Procedure.
- Complaints alleging hazing, harassment, intimidation, bullying, menacing, cyberbullying, teen dating violence or domestic violence of a student are processed under administrative regulation JFCF-AR - Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, or Teen Dating Violence Reporting Procedures - Student
- Complaints alleging hazing, harassment, intimidation, bullying, menacing or cyberbullying of staff are processed under administrative regulation GBNA-AR - Hazing, Harassment, Intimidation, Bullying, Menacing, or Cyberbullying Reporting Procedures - Staff
- Complaints about the District's adoption of instructional materials are processed under administrative regulation IIA-AR - Instructional Materials Selection.
- Complaints about special education or Section 504 of the Rehabilitative Services Act are handled through the dispute resolution procedures established by the U.S. Department of Education and/or the Oregon Department of Education.
- Complaints about the District's response to public records request should be directed to the Deschutes County District Attorney in accordance with ORS 192.415(1)(a).

The District will process all other complaints using the following procedures:

Step One - Informal Resolution

When practical, the complainant shall attempt to informally resolve their complaint with the District employee most directly involved in the matter resulting in the complaint. All communications shall be polite and respectful.

Step Two - Formal Complaint

If a complaint is not resolved informally at Step One, the complainant may submit a written complaint to the employee's immediate supervisor or to the building principal, as appropriate, within 10 school days from the last attempted informal resolution under Step One. The written complaint should include specific details describing the incident, act or condition giving rise to the complaint, informal efforts to resolve the complaint under Step One, and the requested remedy. The supervisor or building principal shall in a timely manner investigate, decide upon the merits of the complaint, and determine the appropriate action to be taken, if any. To the extent allowed by state and federal confidentiality laws, the supervisor or building principal shall provide complainant with a timely written response. The written response may be provided by email.

Step Three - Appeal to Superintendent

If a complainant is unsatisfied with the response at Step Two, they may appeal the response to the Superintendent in writing within 10 school days of receiving the response. The Superintendent or designee shall in a timely manner review the appeal and the investigation conducted under Step Two. At their discretion, the Superintendent or designee may conduct, or cause to be conducted, further investigation into the complaint. The Superintendent or designee shall make a decision on the merits, and to the extent allowed by state and federal confidentiality laws, provide complainant with a timely written response. The written response may be provided by email.

Step Four - Appeal to School Board

If a complainant is unsatisfied with the response at Step Three, they may appeal to the Board in writing within 10 school days of receiving the Step Three response. At its next regularly scheduled meeting, the Board shall review the record of the complaint from prior steps to determine whether it warrants further consideration, and if so, how it will proceed. In its discretion, the Board may conduct or cause to be conducted further investigation, request further written submissions from the complainant and/or other individuals involved, and/or conduct a hearing.

The Board shall notify the complainant in writing in a timely manner as to whether it will undertake further consideration and if so, the process it will follow to do so. Should the Board decide to proceed with a hearing, the notice to the complainant will describe the time, date, location and format of the hearing. The Board's decision not to undertake further consideration shall be considered a final decision of the District for purposes of an appeal to the Oregon Department of Education under OAR 581-021-0570 and OAR 581-022-2370.

Should the Board decide to undertake further consideration of the complaint, at the conclusion of its consideration process and to the extent allowed by state and federal confidentiality laws, it shall provide complainant with a timely written response. The written response may be provided by email.

Notwithstanding the steps described above, complaints about a program supervisor (i.e., director of student services) or building principal may be initiated at the Superintendent's level, and a complaint about the Superintendent may be initiated at the Board level.

In the event a complainant has asserted multiple complaints against the District, the complaints may be consolidated and addressed together under Steps Two, Three and/or Four.

The District shall endeavor to complete each of its required responses under Steps Two, Three and Four within 30 days. Should more time be required under any of these steps, the complainant will be notified and provided with an estimated time for the District's response under the applicable step. The District shall endeavor to complete all steps under this administrative regulation within 90 days.

The District shall have no obligation to consider complaints asserted:

- 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, this time limitation runs from the date of the most recent incident;
- One year after the affected student has graduated from, moved away from, or otherwise left the District.

In accordance with OAR 581-022-2370, a complainant may appeal directly to the Deputy Superintendent of Public Instruction for complaints alleging:

- A violation of ORS 339.285 to 339.303 or OAR 581-021-0550 to 581-021-0570 (Restraint and Seclusion)
- A violation of ORS 659.850 or OAR 581-021-0045 (Discrimination)
- A violation of OAR 581-021-0046 (Program Compliance Standards for Purposes Related to Discrimination)
- A violation of OAR 581-021-0047 (Prohibition against Using Native American Mascots)
- A violation of ORS 659.852 (Retaliation)
- A violation of Oregon Administrative Rules, Chapter 581, Division 022 (Division 22 Standards)

Cross Reference(s):

AC-AR - Discrimination Complaint Procedure
BD/BDA - Board Meetings
EBB - Integrated Pest Management
GBM - Staff Complaints
GBMA - Whistleblower
GBN/JBA-AR(1) - Sexual Harassment Complaint Procedure
GBN/JBA-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure
GBNA-AR - Hazing, Harassment, Intimidation, Bullying, Menacing, or Cyberbullying Reporting Procedures - Staff
IGBB - Talented and Gifted Program and/or Services
IGBBA - Talented and Gifted Students - Identification
IIA - Instructional Resources
IIA-AR - Instructional Materials Selection
JB - Equal Educational Opportunity
JBA/GBN-AR(1) - Sexual Harassment Complaint Procedure
JBA/GBN-AR(2) - Federal Law (Title IX) Sexual Harassment Complaint Procedure
JFCF-AR - Hazing, Harassment, Intimidation, Bullying, Menacing, Cyberbullying, or Teen Dating Violence Reporting Procedures - Student
JGAB - Use of Restraint and Seclusion
KL - Public Complaints
KL-AR(2) - Appeal to the Deputy Superintendent of Public Instruction

