High Desert
Education Service District

Code: **AC-AR**
Adopted: 04/15/2008
Revised: 02/16/2016, 04/9/2018
12/14/2021

Discrimination Complaint Procedure

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

Step 1: Complaints may be oral or in writing and must be filed with the Human Resource Director. The HR Director shall investigate and determine the action to be taken, if any, and reply, in writing, to the complainant within [10] school days of receipt of the complaint.

Any staff member that receives a written or oral complaint shall report the complaint to the Human Resource Director.

Step 2: If the complainant wishes to appeal the decision of the Human Resource Director, they may submit a written appeal to the superintendent within [five] school days after receipt of the Human Resource Director's response to the complaint. The superintendent shall review the Human Resource Director's decision and may meet with all parties involved. The superintendent will review the merits of the complaint and the Human Resource Director's decision and respond, in writing, to the complainant within [10] school days.

Step 3: If the complainant is not satisfied with the decision of the superintendent, a written appeal may be filed with the Board within [five] school days of receipt of the superintendent's response to Step 2. The Board may decide to hear or deny the request for appeal. The Board may meet with the concerned parties and their representative at the next regular or special Board meeting. The Board's decision will be final and will address each allegation in the complaint and contain reasons for the Board's decision. A copy of the Board's final decision shall be sent to the complainant in writing or electronic form within [10] days of this meeting.

If the Human Resource Director is the subject of the complaint, the individual will start at Step 2 and may file a complaint with the superintendent. If the superintendent is the subject of the complaint, the complaint will start at Step 3 and should be referred to the Board chair. The Board may refer the investigation to a third party.

Complaints against the Board as a whole or against an individual Board member will start at Step 3 and should be made to the Board chair and may be referred to ESD counsel. Complaints against the Board chair will start at Step 3 and be made directly to the Board vice chair.

Timelines may be extended based upon mutual consent of both parties in writing.

If the complainant is not satisfied after exhausting local complaint procedures, or 90 days, whichever occurs first, they may appeal in writing to the State Superintendent of Public Instruction under Oregon Administrative Rule (OAR) 581-022-1940.

DISCRIMINATION COMPLAINT FORM

Name of Person Filing Complaint _____ Date _____

School or Activity _____

Student/Parent □ Employee □ Job applicant □ Other □ _____

Type of discrimination:

□ Race
□ Color
□ Religion
□ Sex
□ National or ethnic origin
□ Gender identity
□ Mental or physical disability
□ Marital Status
□ Familial Status
□ Economic Status
□ Veterans' Status
□ Age
□ Sexual Orientation
□ Pregnancy
□ Discriminatory use of a Native American mascot
□ Other _____

Specific complaint: (Please provide detailed information including names, dates, places, activities and results of informal discussion.)

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_____

_____

_____

_____

_____

Who should we talk to and what evidence should we consider? _____

_____

_____

_____

_____

Suggested solution/resolution/outcome: _____

_____

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This complaint form should be mailed or taken to the Human Resource Director. Direct complaints related to educational programs and services may be made to the U. S. Department of Education, Office for Civil Rights. Direct complaints related to employment may be filed with the Oregon Bureau of Labor and Industries, Civil Rights Division, or the U.S. Department of Labor, Equal Employment Opportunities Commission.