

Northwest Regional ESD

Code: ACB-AR
Adopted: 12/15/20

Bias Incident Complaint Procedure

The term “bias incident” are defined in policy. Persons impacted by a bias incident shall be defined broadly to include individuals at whom an incident was directed as well as students in the larger school community likely to be impacted by the incident.¹

- Step 1: When a staff member learns of a potential bias incident, the staff member will prioritize the safety and well-being of all persons impacted and without unreasonable delay report the incident to the supervisor.
- Step 2: The supervisor or designee shall acknowledge receipt of the complaint, reduce the complaint to writing, and investigate any complaint of a bias incident. Responding staff will recognize the experience of all persons impacted, acknowledge the impact, commit to taking immediate action, and prevent further harm against those persons impacted from taking place. Redirection procedures, if any, will include:
- Educational components that address the history and impact of hate;
 - Procedural components to ensure the safety, healing and agency of those impacted by hate;
 - Accountability and transformation for people who cause harm; and
 - Transformation of the conditions that perpetuated the harm.

The supervisor or designee must consider whether the behavior implicates other ESD policies or civil rights laws, and if so, respond accordingly.

The supervisor or designee will make a decision within 10 working days of receiving the complaint.

All persons impacted will be provided with information relating to the investigation and outcome of the investigation. At a minimum, the information provided must include:

- That an investigation has been initiated;
- When an investigation has been completed;
- The findings of the investigation and the final determination based on those findings; and
- Actions taken with the person or persons who committed the harassing behavior to remedy the behavior and prevent reoccurrence when the actions relate directly to a person impacted by the event.

¹ The term “complainant” in this administrative regulation includes persons filing formal complaints and persons reporting bias incidents, regardless of whether the complainant is a victim. Similarly, the term “complaint” includes any report, information or complaint.

If any of the above information cannot be shared, a citation to the law prohibiting release and an explanation of how that law applies to the current situation will be provided.²

Step 3: If complainant or a respondent wishes to appeal the decision of the administrator, the complainant or respondent may submit a written appeal to the [superintendent] within 10 working days after receipt of the administrator or designee's response to the complaint.

The superintendent or designee shall acknowledge receipt of the appeal and may meet with all parties involved. The superintendent or designee will review the merits of the complaint and the administrator or designee's decision. The superintendent or designee] will respond in writing to the complainant within 10 school days.

The superintendent or designee will ensure that the requirements in Steps 1 and 2 (redirection procedures, notice, etc.) are continued to be met through Step 3, as appropriate.

Step 4: If the complainant or respondent is not satisfied with the decision of the superintendent or designee, a written appeal may be filed with the Board within 10 working days of receipt of the superintendent or designee's response to Step 3. The Board may decide to hear or deny the request for appeal at a Board meeting. The Board may use an executive session if the subject matter qualifies under Oregon law. If the Board decides to hear the 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 within 20 days of this meeting.

The Board will ensure that the requirements in Steps 1 and 2 (redirection procedures, notice, etc.) are continued to be met through Step 4, as appropriate.

Complaints can be filed with or communicated directly to the supervisor or designee, in which case Step 1 will be skipped. Complaints against a building or program administrator can be directed to the superintendent or designee and will begin at Step 3. Complaints against the superintendent or a Board member(s) can be directed to the Board and will begin at Step 4. If complaints begin later than Step 1, the individuals reviewing the complaint will ensure that all requirements are met.

The complainant, if a parent or guardian of a student attending a school operated by the ESD or is receiving services from the ESD, a person who resides in the ESD's service area, a staff member or a student who wishes to express a concern, is not satisfied after exhausting local complaint procedures, the ESD fails to render a written decision within 30 days of submission of the complaint at any step or fails to resolve the complaint within 90 days of the initial filing of the complaint, may appeal³ the ESD's final decision to the Deputy Superintendent of Public Instruction under Oregon Administrative Rules (OAR) 581-002-0001 – 581-002-0023.

² Refer to policies GBL - Personnel Records, JOA - Directory Information and JOB - Personally Identifiable Information and ESD legal counsel for guidance in these situations. Possible laws include, but are not limited to, Title 34 C.F.R. § 99.31 and ORS 342.850.

³ An appeal must meet the criteria found in OAR 581-002-0005(1)(a).

Complaints may also be filed directly with the U.S. Department of Education Office for Civil Rights.⁴

ESD administration will develop and implement instructional materials to ensure that all school employees, staff and students are made aware of this procedure and related practices. The materials will include reporting procedures, educational processes, and possible consequences.

When necessary, timelines may be adjusted by the ESD by communicating to all parties in writing. This communication must include a new timeline and an explanation of why the timeline must be adjusted.

⁴ Complaints must meet criteria as established by law. For more information, visit <http://www.ed.gov/about/offices/list/ocr/complaintintro.html>