

## **Bias Incident Complaint Procedure**

The term “bias incident” is defined in policy ACB. 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, such as a witness, observer or otherwise indirectly affected party<sup>1</sup>.

When a student, family member, staff member, or community member is impacted by a potential bias incident, they will report the incident to a trusted adult at the school and/or to the Bias Incident Coordinator. The complaint process will be clearly advertised on the district website and through various communication channels.

**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 building administrator and/or to the Bias Incident Coordinator. The building administrator will ensure the Bias Incident Coordinator is notified.

**Step 2:** The Bias Incident Coordinator shall acknowledge receipt of the complaint and investigate any complaint of a bias incident. The Bias Incident Coordinator 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 Bias Incident Coordinator must consider whether the behavior implicates other district policies or civil rights laws, and if so, respond accordingly.

The Bias Incident Coordinator will use their best efforts to determine an outcome within 10 school days of receiving the complaint; provided, however, that the time frame may be extended upon written agreement between the Bias Incident Coordinator and the complainant where the circumstances surrounding the investigation reasonably require additional time to complete a thorough investigation.

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<sup>1</sup> 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.

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

- That an investigation has been initiated;
- When the 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.

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.<sup>2</sup>

The district will track all complaints pertaining to violation of this policy and monitor the responses to ensure effective implementation and application of this policy districtwide.

Step 3: If the complainant or a respondent wishes to appeal the decision of the Bias Incident Coordinator, the complainant or respondent may submit a written appeal to the Executive Director or designee within five school days after receipt of the Bias Incident Coordinator's written findings and final determination.

The Executive Director or designee shall acknowledge receipt of the appeal and may meet with all parties involved. The Executive Director or designee will review the merits of the complaint and the Bias Incident Coordinator's findings and decision. The Executive Director or designee will respond in writing to the complainant or the respondent, as the case may be, within 10 school days after receipt of the appeal.

The Executive Director 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 Executive Director or designee, a written appeal may be filed with the Board within five school days of receipt of the Executive Director 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 a 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 or the respondent, as the case may be, in writing within 10 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.

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<sup>2</sup> Information and district 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

Complaints can be filed with or communicated directly to the Bias Incident Coordinator, in which case Step 1 will be skipped. Complaints against the Bias Incident Coordinator can be directed to the Executive Director or designee and will begin at Step 3. Complaints against the Executive Director 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 person who resides in the district or a parent or guardian of a student who attends school in the district or a student, is not satisfied after exhausting local complaint procedures, the district 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 appeal the school's final decision to the Deputy Executive Director of Public Instruction under Oregon Administrative Rules (OAR) 581-002-0001 – 581-002-0023.

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

Building administrators and district administration will develop and implement instructional materials to ensure that all school employees and staff 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 district by communicating to all parties in writing. This communication must include a new timeline and an explanation of why the timeline must be adjusted.