

## Complaint Procedure

This regulation sets out the complaint procedure.

### **Process and timelines**

#### **The involved staff: Step One**

A person who wishes to express a concern should discuss the matter with the employee involved. The employee shall respond within five working days. This step is considered informal complaint resolution.

#### **The Administrator: Step Two**

If the complainant is unable to resolve a problem or concern with the employee involved, the complainant may file a written, signed complaint with the administrator or supervisor of the involved employee. A written complaint commences the formal complaint process. The administrator or supervisor shall evaluate the complaint and provide a written response within ten working days after receiving the complaint.

#### **The Superintendent: Step Three**

If the complainant is not satisfied with the Step 2 result and wishes to pursue the concern, the complainant shall file a signed, written complaint with the superintendent or designee clearly stating the nature of the complaint and a suggested remedy within 10 working days after receipt of the written response of the administrator or supervisor. A Step 3 complaint must be filed on the form attached to this policy. Copies of the form are also available at the district offices.

The superintendent or designee shall investigate the complaint, confer with the complainant and the parties involved, and prepare a written report. The report shall address each of the allegations in the complaint and include the superintendent or designee's decisions and reasons for the decisions. The report shall be provided to the complainant within 20 working days after receiving the written complaint.

#### **The Board: Step Four**

The role of the Board is to address policy-level issues. Complaints that address the operations of the school district generally should be resolved by the superintendent and his/her staff. However, if a complainant is not satisfied with the Step 3 decision and wishes to pursue the concern, the complainant may appeal the decision to the Board within five working days of receiving the superintendent's decision.

All Board members will be notified of the appeal to the Board. The Board chair will determine whether the Board will hear the appeal, and will notify the Board members and complainant of his/her decision. However, if a member of the Board disagrees with the Chair's decision, the Board member can refer the decision to a vote of the full Board. In that case, the full Board will vote on whether to consider the complaint.

If the Board chooses not to hear the complaint, the superintendent's decision is final.

If the Board decides to hear an appeal, the Board shall review the complaint during a properly-noticed Board meeting. The Board at its discretion may assign the investigation to a third party. The determination to assign the investigation to a third party shall be made by the Board Chair. However, if a member of the Board disagrees with the Chair's decision, the Board member can refer the decision to a vote of the full Board. The Board may also, in its discretion, offer the complainant and other involved parties an opportunity to appear before the Board, or may resolve the complaint based on the written record. The Board may review the matter in executive session if permitted under the Oregon Public Meetings Law.

The complainant shall be informed in writing of the Board's decision within 10 working days. The Board's decision will address each allegation in the complaint and contain reasons for the Board's decision. The Board's decision will be final.

The timelines described in this section may be extended upon written agreement by the complainant and the district.

The complaint procedure set out above will not be longer than 90 working days from the filing date of the Step 2 complaint with the administrator or supervisor to the final decision, unless extended by mutual written agreement.

The district's final decision for a complaint processed under this administrative regulation that alleges a violation of Oregon Administrative rule (OAR) Chapter 581, Division 22 (Division 22 Standards), ORS 339.285 - 339.303 or OAR 581-021-0550 - 581-021-0570 (Restraint and Seclusion), or ORS 659.852 (Retaliation), will be issued in writing or electronic form. The final decision will address each allegation in the complaint and contain reasons for the district's decision. If the complainant, who is a [student,] parent or guardian of a student attending school in the district or a person that resides in the district, and this complaint is not resolved through the complaint process, the complainant may appeal<sup>1</sup> the district's final decision to the Deputy Superintendent of Public Instruction under Oregon OARs 581-002-0001 – 581-002-0023.

### Complaints against the Superintendent

Complaints against the superintendent shall be filed with the Board chair. The Board chair shall present the complaint to the Board. The Board at its discretion may assign the investigation to a third party. The determination to assign the investigation to a third party shall be made by the Board Chair. However, if a member of the Board disagrees with the Chair's decision, the Board member can refer the decision to a vote of the full Board. At the next regularly noticed meeting following receipt of the investigation report,

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<sup>1</sup> An appeal must meet the criteria found in OAR 581-002-0005(1)(a).

the Board will consider the complaint and determine what, if any, action is warranted. The Board may review the matter in executive session if permitted under the Oregon Public Meetings Law.

### Complaints against a Board member

When a complaint is against a Board member, the Board at its discretion may assign the investigation to a third party. The determination to assign the investigation to a third party shall be made by the Board Chair, unless the complaint is against the Board Chair, in which case the determination shall be made by the Board Vice-Chair. However, if a member of the Board disagrees with the Chair's or Vice Chair's decision, the Board member can refer the decision to a vote of the full Board. The Board will consider the complaint during a properly-noticed meeting and determine what, if any, action is warranted. The Board member against who the complaint is filed shall not participate in any vote related to the complaint.

### Notice of opportunity to appeal to Deputy Superintendent of Instruction

As indicated above, the final decision of the district must address each allegation in the complaint and contain reasons for the district's decision. In addition, complainants should be notified that they may have the right to appeal to the Deputy Superintendent of Public Instruction pursuant Oregon Administrative Rule (OAR) 581-002-0040 or OAR 581-021-0049 for complaints that alleges a violation of OAR Chapter 581, Division 22 (Standards), ORS 339.285 to 339.303 or OAR 581-021-0550 to 581-021-0570 (Restraint and Seclusion), ORS 659.852 (Retaliation) or ORS 659.850 (Discrimination).

### Additional provisions

The district may offer mediation or another alternative dispute resolution process as an option if all parties to the complaint agree in writing to participate in such mediation or resolution. The timelines outlined in this procedure will be tolled during the mediation or alternative dispute resolution.

Complaints involving district staff will be processed in accordance with Human Resources procedures. Additionally, complaints regarding licensed or classified staff will be processed in accordance with applicable collective bargaining agreements. Complainants should be aware that the collective bargaining agreements and other considerations place limits on the processing of anonymous complaints. The Board will not hear complaints against employees in a session open to the public unless an employee requests an open session. Complainants should be aware that employees are entitled to certain confidentiality rights under state and federal law, as well as applicable collective bargaining agreements. Taking into account these confidentiality protections, complainants will be notified of the outcome of complaints against employees to the extent permitted by law and applicable collective bargaining agreements.

Retaliation against any person who files a complaint or participates in the complaint process is strictly forbidden. Concerns about retaliation should be brought promptly to the attention of a principal or the superintendent.

To ensure access to the complaint process, complainants shall be provided with interpretation or translation services upon request.

This complaint procedure will be available at the district's administrative office and on the home page of the district's website.

**Lebanon Community School District**

**COMPLAINT FORM**

TO:  District Office  \_\_\_\_\_ (Name of School)

Person Making Complaint \_\_\_\_\_

Telephone Number \_\_\_\_\_ Date \_\_\_\_\_

Nature of Complaint \_\_\_\_\_

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Who should we talk to and what evidence should we consider? \_\_\_\_\_

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Suggested solution/resolution/outcome: \_\_\_\_\_

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Signature of Complainant: \_\_\_\_\_ Date: \_\_\_\_\_

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| Office Use: Disposition of Complaint: _____<br>_____<br>Signature: _____ Date: _____ |
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c: District Office