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Orig. Code: KK-AR

Public Complaint Procedure**

As set forward in KL, the Board takes the concerns of the public seriously. The Board is committed to providing a fair and effective complaint process in order to seek resolution whenever possible, continuously improve the district's performance, and provide open channels of communication. This regulation sets out the public complaint procedure as established by policy KL.

Process and timelines

A person with a concern is encouraged to discuss the concern with the individuals directly involved in the issue. Direct communication can often facilitate prompt problem-solving and mutual understanding of concerns. The District offers multiple supports to individuals seeking to resolve concerns. If a person does not feel comfortable addressing a concern directly with the individual involved, the person can request support from a building administrator or district-level administrator.

Step One: The building or District administrator

If the concerns cannot be resolved informally with the individuals directly involved, the complainant may file a written, signed complaint clearly stating the nature of the complaint and a suggested remedy with the building or District-level administrator. Complainants are strongly encouraged to use the complaint form attached to this AR, and must provide the information listed on that form. A written complaint commences the formal complaint process. The administrator shall evaluate the complaint, and shall attempt to resolve the complaint. The administrator can also refer the parties to alternative resolution process and other supports, if appropriate. If the complaint cannot be resolved, the administrator shall investigate the complaint and provide a written response within no more than twenty-five working days after receiving the complaint. The written response shall provide information about how to appeal to Step Two.

If the complainant is not satisfied with the Step 1 result and wishes to pursue the complaint, the complainant shall file a signed, written appeal with the District-level supervisor of the administrator within five working days after receipt of the written response of the administrator. The complainant should submit the original written complaint, the written response, and any additional information the complainant believes is relevant. Complainants are strongly encouraged to use the appeal form attached to this AR, and must provide the information listed on that form.

Step Two: District-Level Supervisor

If a complaint is appealed to Step Two, the District-level supervisor shall evaluate the appeal, confer with the complainant and the parties involved, and attempt to resolve the complaint. The supervisor can also

refer the parties to alternative resolution process and other supports, if appropriate. If the complaint cannot be resolved, the supervisor may, but is not required to, conduct additional investigation. The supervisor will provide a written response within no more than twenty-five working days after receiving the Step Two appeal. The written response shall provide information about how to appeal to Step Three.

If the complainant is not satisfied with the Step 2 result and wishes to pursue the appeal, the complainant shall file a signed, written appeal with the superintendent or designee within five working days after receipt of the written Step 2 response. The complainant should submit the original written complaint, the written response, the Step 2 appeal, the Step 2 decision and any additional information the complainant believes is relevant. Complainants are strongly encouraged to use the appeal form attached to this AR, and must provide the information listed on that form.

Step Three: The Superintendent or Designee

If a complaint is appealed to Step Three, the superintendent or designee shall review the information from Step 2. The superintendent or designee shall evaluate the appeal and may confer with the complainant and the parties involved in order to attempt to resolve the complaint. The superintendent or designee can also refer the parties to alternative resolution process and other supports, if appropriate. If the complaint cannot be resolved, the superintendent or designee may, but is not required to, conduct additional investigation. The superintendent or designee will prepare a written determination that shall address each of the allegations in the complaint and include the superintendent or designee's decisions and reasons for the decisions. In general, a written report will determine, based on a preponderance of the evidence standard, whether there was a violation of district policy related to each specific allegation. The report shall be provided to the complainant within 30 working days after receiving the written appeal. The decision of the superintendent or designee constitutes the final decision of the District, unless a specific law or District policy provides otherwise.

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 and inform the superintendent of the complaint. The Board chair will consult with the vice-chair and legal counsel regarding complaints against the superintendent and make a decision regarding the process for responding to the complaint, including whether to attempt informal resolution and whether to conduct a third-party investigation. The Board chair will inform the full Board of the process, including the status of any investigation. Within 90 calendar days of receipt of the complaint, the board will decide in open session what action, if any, is warranted, and the Board's decision will be communicated to the complainant in writing. The Board's decision will address each allegation in the complaint and contain reasons for the Board's decision. The Board may review the matter in executive session if permitted under the Oregon Public Meetings Law.

Complaints against the Board or an individual Board member

When a complaint is against the Board or an individual Board member other than the chair or vice-chair, the Board chair will consult with the vice-chair and legal counsel regarding the complaints and make a recommendation regarding the process for responding to the complaint, including whether to attempt informal resolution and whether to conduct a third-party investigation. The Board chair will inform the full Board of the recommended process, including the status of any investigation. Within 90 calendar days of receipt of the complaint, the Board will decide in open session what action, if any, is warranted, and the

decision will be communicated to the complainant in writing. The Board's decision will address each allegation in the complaint and contain reasons for the Board's decision.

If the complaint is against the chair, the complaint will be referred to the vice-chair, who shall consult with legal counsel and make a recommendation regarding the process for responding to the complaint, including whether to attempt informal resolution and whether to conduct a third-party investigation. The Board vice-chair will inform the full Board of the recommended process, including the status of any investigation. If the complaint is against the vice-chair, the complaint will be referred to the chair, who shall consult with legal counsel and make a recommendation regarding the process for responding to the complaint, including whether to attempt informal resolution and whether to conduct a third-party investigation. The Board chair will inform the full Board of the recommended process, including the status of any investigation. For a complaint against the chair or vice-chair, the Board will consider the complaint, and investigation if conducted, during a properly-noticed meeting and determine what, if any, action is warranted. The Board's decision will address each allegation in the complaint and contain reasons for the Board's decision.

The Board member against whom a complaint is filed shall not participate in any vote related to the complaint, including the Board's final vote on the complaint.

Alternative process for complaints regarding athletics

For complaints by student athletes or their parents relating to eligibility or participation, the district will endeavor to provide an expedited resolution where possible. Complaints about eligibility or participation should be brought to the attention of the coach directly responsible for the sport in which the student athlete is participating and the parties should seek informal resolution. If the concern is not resolved within five working days, the student athlete or their parents may file a written complaint with the athletic director, who shall meet with the student athlete and parents to attempt to resolve the complaint within five working days. If the complaint is not resolved, the student athlete or their parents may file an appeal with the high school principal. The high school principal shall consider the appeal and provide a written determination within five working days. If the student athlete or their parents are not satisfied with the high school principal's decision, the student athlete or their parents can appeal to the district administrator overseeing high schools. The district administrator overseeing high schools will review the complaint, confer with the district athletic director, and issue a decision within five business days. The decision of the district administrator overseeing high schools shall be final.

This alternative process is provided in order to allow for expedited resolution of complaints regarding eligibility or participation. Students or parents may also use the formal process described above. This expedited process will not be used for complaints outside of eligibility or participation. The district will determine which complaint process is appropriate based on the circumstances.

Complaints made by District Board Members

District Board members have the right to use the District complaint policies. Board members have the same protections as staff, students and third parties to not experience discrimination, harassment or other forms of conduct prohibited by District policy.

Board members are residents of the District. However, as a Board member they are in a unique position to challenge District policies and procedures in their role on the School Board. Unless the District makes a

decision that directly affects a Board member as a District resident, or as the parent or guardian of a District student, Board members may not make a complaint under Policy KL.

Board members will refrain from filing complaints under the District complaint policies because of disagreement with policy decisions the Board has voted on or for decisions that have been delegated to the administration. Board members shall use the Board meetings to address policy concerns.

Board members agree that if a Board member is a complainant under a District complaint policy and files a complaint against another Board member, that complaining Board member and the Board member who is the subject of the complaint agrees not to do the following:

1. Participate in the selection of an investigator;
2. Communicate with fellow Board members outside of a Board meeting about the complaint;
3. Lobby any fellow Board member to support a position on the complaint;
4. Deliberate on the complaint as a Board member;
5. Vote on a decision about the complaint; or
6. Retaliate against the complainant, District staff or other Board members in any way.

A Board member's failure to abide by this section may subject the Board member to the consequences of public censure.

Additional provisions

To ensure equitable access to the complaint process, complainants shall be provided with interpretation or translation services as well as support for putting a complaint in writing. Complainants can also request assistance in understanding the complaint process. Other supports are also available to parties during the complaint process. Requests for assistance can be made to the building administrator or superintendent.

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.

“Working days” means days in which the District is open and students are in attendance. Working days does not include school breaks or teacher in-service days.

The timelines described in this section may be extended upon written agreement by the complainant and the district. If a complainant does not agree to an extension of time and a complaint is not resolved within 90 working days, the complainant may appeal to the Oregon Department of Education.

The parties to a complaint shall be given an update regarding the process at least every 45 days until the final decision is issued.

Complaints involving allegations of misconduct by a specific district staff member 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. 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, district policy and practice, and applicable collective bargaining agreements.

From time-to-time Board members may receive complaints from community members, groups or staff by email or other means. Board members shall refer complainants to the Superintendent.

If the complainant chooses to engage in another complaint process with an outside agency such as the Oregon Department of Education, the Teacher Standards and Practices Commission, the Oregon Bureau of Labor and Industries, the Employment Relations Board, the Office for Civil Rights or other such agencies, the District is under no obligation to either begin or complete its complaint process.

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.

If there are concerns about conflicts of interest in the investigation or decision-making process of addressing complaints, those concerns should be brought to the attention of the superintendent, the superintendent's designee, and/or the Board chair for evaluation and resolution. The superintendent or Board chair may determine that it is appropriate to engage a third party to assist regarding the conflict of interest.

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

**As used in this policy, the term parent includes legal guardian or person in a parental relationship. The status and duties of a legal guardian are defined in ORS 125.005 (4) and 125.300 - 125.325. The determination of whether an individual is acting in a parental relationship, for purposes of determining residency, depends on the evaluation of the factors listed in ORS 419B.373. The determination for other purposes depends on evaluation of those factors and a power of attorney executed pursuant to ORS 109.056. For special education students, parent also includes a surrogate parent, an adult student to whom rights have transferred and foster parent as defined in OAR 581-015-2000.

**North Clackamas School
DISTRICT COMPLAINT FORM**

TO: District Office (Name of School) _____

Person Making Complaint _____

Telephone Number _____

Date _____

Email address _____

The District wants to help ensure that the complaint process is accessible and equitable, and that complainants have the information they need about the process. If you need interpretation or translation services, or support putting your complaint in writing, or have any other questions about the process, please contact the building administrator or superintendent's office.

What is your complaint? (Please describe the concern in as much detail as possible including dates, locations, and persons involved. Please include each separate concern or allegation that you have. Please feel free to attach additional pages if necessary.) _____

Please describe how you have already attempted to resolve your complaint informally: _____

Who has information about your complaint and what other information would you like us to consider?

What is your suggested solution? _____

Signature of Complainant

Date

cc: District Office

**North Clackamas School District
COMPLAINT APPEAL FORM**

TO: District Office (Name of School) _____

Person Filing Appeal _____

Telephone Number _____ Date _____

Email address _____

The District wants to help ensure that the complaint process is accessible and equitable, and that complainants have the information they need about the process. If you need interpretation or translation services, or support putting your complaint in writing, or have any other questions about the process, please contact the building administrator or superintendent's office.

Please describe why you are appealing your complaint? _____

Who did you discuss your complaint with? Were any aspects of your complaint resolved to your satisfaction? _____

Please attach your original written complaint and any written determination that you have received.

Signature of Complainant

Date