

Clackamas Education Service District

Code: KL
Adopted: 3/12/96
Revised/Readopted: 5/20/09; 2/18/15; 4/19/17;
12/14/18; 1/19/22
Orig. Code: 1140

Complaint Resolution Procedure

Members of the public and students are encouraged to make their concerns known to CESD and to afford CESD an opportunity to review those concerns and respond to them.

Clackamas ESD will use the complaint procedure as outlined below and the attached form to address complaints under this policy.

The Staff involved: Step One

Any person who wishes to express a complaint is encouraged to discuss the matter with the employee involved. It is the intent of CESD to solve problems and address all complaints as close as possible to their origin. This Step is considered informal complaint resolution.

The Administrator: Step Two

1. If unable to resolve a problem or concern at Step One then the complainant should have a discussion with the supervising administrator to resolve the complaint or concern.
2. If a discussion regarding the complaint does not resolve the concern, the complainant may file a written complaint with the administrator, which commences the formal complaint process. The administrator shall evaluate the written complaint and provide a written response within ten (10) working days after receiving the written complaint.

The Superintendent: Step Three

If the discussion and/or written response in Step Two does not resolve the complaint, or if such discussion is not practical under the circumstances, if the complainant wishes to pursue the action, the complainant shall file a signed, written complaint with the superintendent clearly stating the nature of the complaint and a suggested remedy within ten (10) working days after receiving a decision from the administrator in Step Two. (The CESD Complaint Form shall be completed and assistance provided if necessary)

The superintendent shall investigate the complaint, confer with the complainant and the parties involved, and prepare a written report of the findings and conclusion in a timely manner or delegate these duties. The report shall address each of the allegations identified in the complaint and include the superintendent or designee's decisions and reasons for those decisions. The report shall be provided to the complainant within thirty (30) working days after receiving the written complaint.

The Board: Step Four

Complaints that address the operations of the District should generally be resolved by the superintendent and the staff. However, a complainant not satisfied with the result from Step Three of this procedure and who wishes to pursue their concern, may appeal the decision to the Board by filing with the Board's secretary within 30 calendar days after receipt of the superintendent's decision.

All Board members will be notified of the appeal to the Board. The Board will decide whether to consider the complaint in any manner outlined in this procedure at its next meeting.

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

If the Board decides to hear the complaint, the Board shall place the complaint on its agenda during an Executive Session or Public Board meeting (as appropriate) and take action to consider the appeal through one of the following options.

In considering how to proceed, the Board shall consider the nature of the allegations, review the superintendent's report, and the feasibility of pursuing one or more of the following options:

1. The Board may review the superintendent's or designee's report and resolve the case on the written record by determining whether to uphold, remand, reverse, or revise the superintendent's decision.
2. The Board may assign the investigation to a neutral third party. Upon completion of a third party investigation and receipt of a report of that investigation the Board may take action to follow or revise the recommendation in the report.
3. The Board may offer the complainant an opportunity to appear before a third party hearings officer for a hearing on the matter. The hearings officer in such cases shall not be an employee of CESD and shall conduct a hearing in which the complainant and the District can present their case in a manner to be determined by the hearings officer. The hearings officer will then prepare a report of their findings to the Board, who may take action in consideration of the hearing officer's findings.
4. The Board may hear the matter by offering 30 minutes to the complainant and the District to present their cases through a spokesperson based on the record to date. The Board may review the matter in executive session if permitted under the Oregon Public Meetings Law. The Board shall make a determination based on its findings from the hearing.
5. The Board may decide to take new evidence in a full hearing.

The complainant shall be informed in writing of the Board's decision within 30 working days. The 30 day calendar begins when the Board either 1) decides not to hear the complaint; or 2) finishes one of the options processes. The Board's decision will address the allegation(s) in the complaint and contain reasons for the Board's decision. The Board's decision will be final.

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

Procedural Exceptions

Complaints against the superintendent shall be filed with the Board chair. When the complaint is against the Board, or a Board member, the written complaint may be filed with the Board Chair or Vice-Chair. If the complaint is against the Board Chair, the complaint should be filed with the Vice Chair. When a complaint is against an individual Board member, the Board will consider the complaint during a meeting and determine what, if any, action is warranted. In the event a complaint is against an individual Board member, that member may participate in related discussions but should 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 the allegation(s) 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

For any step in this complaint process, 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 (paused) 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 an administrator or the superintendent.

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

This policy will be available at the district's administrative office and on the district's website.

END OF POLICY

Legal Reference(s):

[ORS 192.660](#)
[ORS 334.125\(7\)](#)

[ORS 659.852](#)

[OAR 581-002-0001 – 002-0005](#)
[OAR 581-022-2370](#)

Anderson v. Central Point Sch. Dist., 746 F.2d 505 (9th Cir. 1984).
Connick v. Myers, 461 U.S. 138 (1983).

Cross Reference(s):

AC - Nondiscrimination
ACB - All Students/All People Belong
IIA - Instructional Resources/Instructional Materials