

The Emerson School

Bias Incident Complaint Procedure

The term “bias incident” is 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 School Administrator.
- Step 2: The School Administrator 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 School Administrator must consider whether the behavior implicates other public charter school policies or civil rights laws, and if so, respond accordingly.

The School Administrator will determine responsibility within 10 days of receiving the 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.

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 the complainant or respondent is not satisfied with the decision of the School Administrator, a written appeal may be filed with the Board of Directors within five school days of receipt of the School Administrator's response to Step 2. 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 final³ 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 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 3, as appropriate.

Complaints can be filed with or communicated directly to the School Administrator, in which case Step 1 will be skipped. Complaints against the School Administrator can be directed to the Board of Directors and will begin at Step 3. 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 The Emerson School is not satisfied after exhausting local complaint procedures, The Emerson School 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 appeal⁴ The Emerson School's final decision to the Deputy Superintendent 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.⁵

The Emerson School 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 Emerson School by communicating to all parties in writing. This communication must include a new timeline and an explanation of why the timeline must be adjusted.

² Refer to policies JOA - Directory Information and JOB - Personally Identifiable Information and public charter school 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 {Public charter schools should review their complaint procedures and relationship with the school's sponsor to determine whether the public charter school board's decision is considered a final decision, or if the decision must be appealed to the sponsor for a final decision. If it must be appealed to the sponsor, language in this administrative regulation should be amended.}

⁴ An appeal must meet the criteria found in OAR 581-002-0005(1)(a).

⁵ Complaints must meet criteria as established by law. For more information, visit <http://www.ed.gov/about/offices/list/ocr/complaintintro.html>