



Bias Incident Complaint Procedure

The terms “bias incident” and “symbols of hate” are defined in policy. Persons impacted by a bias incident or display of a symbol of hate shall be defined broadly to include persons directly targeted by an act, as well as the community of students as a whole who are likely to be impacted by the act.¹

Step 1 {²}: When a staff member learns of a potential bias incident or display of a symbol of hate, 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.

Step 2: The administrator or designee shall acknowledge receipt of the complaint, gather a written account of the complaint, 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 commit to preventing further harm against those persons impacted from taking place. Educational components and redirection procedures, if any, will:

- Address the history and impact of bias and hate;
- Advance the safety and healing of those impacted by bias and hate;
- Promote accountability and transformation for people who cause harm; and
- Promote transformation of the conditions that perpetuated the harm. {³}

The administrator or designee must consider whether the behavior implicates other public charter school policies or civil rights laws, and if so, respond accordingly⁴.

The administrator or designee will determine responsibility within 10 school days of receiving the complaint.

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.

² {These specific steps and procedures are not required. The procedures must include all of the requirements listed in HB 2697 § 1(3)(e) (2021) and OAR 581-022-2312((4)(e)). If making changes, we recommend working closely with legal counsel.}

³ {Additional guidance from ODE can be found [here](#).}

⁴ The nature of the behavior or act must determine the process used to respond; what rights and protections are available to the person(s) impacted by the behavior or act; and an individual’s right to appeal to the Oregon Department of Education or the U.S. Department of Education.

All persons impacted by the act will be provided with information⁵ relating to the investigation and outcome of the investigation, including:

- Notice that an investigation has been initiated;
- Notice when an investigation has been completed;
- The findings of the investigation and the final determination based on those findings;
- Actions taken to remedy a person's behavior and prevent reoccurrence; and
- When applicable, the legal citation of any law prohibiting disclosure of any information described above, and an explanation of how that law applies to the current situation.

Step 3: If complainant or a respondent wishes to appeal the decision of the administrator or designee, the complainant or respondent may submit a written appeal to the ATI Board of Directors within five school days after receipt of the administrator or designee's response to the complaint.

The ATI Board of Directors or designee shall acknowledge receipt of the appeal and may meet with all parties involved. The ATI Board of Directors or designee will review the merits of the complaint and the administrator or designee's decision. The TI Board of Directors or designee will respond in writing to the complainant within 10 school days.

The ATI Board of Directors 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.

Complaints can be filed with or communicated directly to the administrator or designee, in which case Step 1 will be skipped. Complaints against the administrator can be directed to the Board of Directors and will begin at Step 3. Complaints against the superintendent or a Board member(s) can be directed to the Board 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 school in the public charter school, or the student is not satisfied after exhausting local complaint procedures, the public charter 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 appeal⁶ the public charter 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.⁷

Public charter school administration will develop and implement instructional materials to ensure that all school employees, staff and students are made aware of the policy, this administrative regulation and

⁵ For additional information regarding required notices, see OAR 581-022-2312(4)(e)(E).

⁶ An appeal must meet the criteria found in OAR 581-002-0005(1)(a).

⁷ Complaints must meet criteria as established by law. For more information, visit <http://www.ed.gov/about/offices/list/ocr/complaintintro.html>

related practices. The materials will include reporting procedures, educational processes, and possible consequences.

When necessary, timelines may be adjusted by the public charter 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.