

## Frequently Asked Questions (FAQs) about Discrimination Complaint Processes in Oregon K-12 Public Education

Students in K-12 schools that receive any federal or state funding have the right to access their education free from discrimination. If a student is experiencing discrimination, that student, their parent or caregiver, or a district community member may submit a complaint to the school district. This document is intended to answer questions about the discrimination complaint process and to assist students and their advocates in understanding how to file a complaint. It was developed as a resource to accompany the Oregon Department of Education's (ODE) [Supporting Gender Expansive Students: Guidance for Schools](#) released in 2023, but is designed to be used by anyone with questions about reporting any protected class discrimination.

If you have additional questions about the discrimination complaint process, contact the [ODE civil rights team](#) or a trusted member of your school district community.

*The information within the following resource document is not legal advice, nor should it be relied on as legal advice. If you require legal advice regarding the issues discussed in this document, please consult an attorney.*

### **Q: What is discrimination?**

Under Oregon law ORS 659.850 and administrative rule OAR 581-021-0045,

*“Discrimination” means any act that unreasonably differentiates treatment, intended or unintended, or any act that is fair in form but discriminatory in operation, either of which is based on age, disability, national origin, race, color, marital status, religion, sex, sexual orientation, or gender identity[.]<sup>1</sup>*

Discrimination is prohibited in all state-funded education programs. Any school that receives state funding must abide by Oregon's discrimination rules and laws. OAR 581-022-2370 requires schools to have policies to address complaints, including complaints of discrimination.

Schools that receive federal funding are also subject to federal civil rights laws, including Title IX, Title VI, Section 504, and the Americans with Disabilities Act.

### **Q: When can I file a complaint of discrimination with my school or district?**

If you are experiencing discrimination based on any of the protected classes listed in ORS 659.850, you can file a complaint with your school district. You can make the complaint in-person, over the phone, in writing, or over email to the district; many districts in Oregon provide written complaint forms for you to use, which they may direct you to fill out. You can usually find the school or district's complaint policies on their website. If you are unable to locate the policies or the complaint form, contact a district representative such as the superintendent, building principal, the student services director, or another school official you trust.

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<sup>1</sup> [ORS 659.850](#); [OAR 581-021-0045](#)

You can also file a complaint with the U.S. Department of Education's Office for Civil Rights (OCR) regarding any discrimination under federal law. You may file a complaint with OCR without first filing a complaint of discrimination with your district. For more information, [contact OCR](#) or [visit their website to learn more about how to file a complaint](#).

### **Q: What information should I include when I file a complaint?**

Reports of discrimination may be submitted verbally or in writing (including electronically). Some districts/schools may use a form and request specific information. If no form is provided, or as applicable when filling out the form, include as much of the following information as you can:

- Name and contact information of the person filing.
- Name and contact information of the person discriminated against (if not the person filing the complaint, such as the student).
- Name of the school or district where the incident(s) took place.
- The basis of your complaint (which protected class: age, color, disability, gender identity, marital status, national origin, race, religion, sex, or sexual orientation)
- Describe each incident. As much as possible, include for each incident:
  - The date(s) and location(s) where the discriminatory act occurred.
  - The name(s) of each person(s) involved.
  - Why you believe the incident constituted discrimination.
  - The name(s) of any person(s) who was present and witnessed the acts of discrimination.
- The most recent date you (or the person subjected to the discrimination) were discriminated against.
- If applicable, what action(s) you would like to see taken to correct the harm done to the person(s) who experienced discrimination.
- Sign and date the report either in writing or electronically.

If you do not have all of the above information, submit what you know at the time.

You should keep a copy of your submission for your records. If you submit a report verbally, it is suggested that you keep records of the following information:

- Who you spoke to.
- What day and time you spoke to them.
- A summary of the conversation.
- Anything the person told you in response.

If possible, consider sending a follow-up email confirming that you reported the discrimination.

### **Q: Can I file a complaint anonymously?**

Some school districts allow anonymous complaints, but they are not required to accept them. If a district does accept anonymous complaints, they may be limited in what kinds of actions they are able to take to resolve anonymous complaints. ODE is unable to accept anonymous discrimination complaints.

Concerns about privacy and confidentiality within the complaint process can be addressed by the school. They should inform you of the extent to which they can honor privacy and confidentiality and with whom information will be shared over the course of the complaint process. Schools may not be able to honor all requests for confidentiality due to legal reporting requirements. School employees have obligations to report specific types of conduct to either district authorities, law enforcement, or other agencies. This includes any acts that constitute child abuse and any sexual conduct that occurs between adults and students.

Students, families, and community members who have questions about anonymous reporting options or confidentiality can contact their school or district to inquire about available options. Local, state, or national resources may also be able to assist; local crisis lines, domestic violence advocacy centers, or national helplines may be able to confidentially assist individuals in understanding and navigating their options.

### **Q: Can I file complaints with multiple agencies at the same time?**

For some discrimination complaint processes, yes, you can file the same complaint with multiple agencies at once. For example, you can file a complaint with your district and with OCR at the same time. You can also file a complaint with OCR and ODE at the same time.

For the ODE discrimination complaint process, you must have first filed a complaint with your district before you can file with ODE. Oregon's laws require that the district has the first chance to respond to a complaint ([ODE's Complaint and Appeals resource page](#) and [OAR Chapter 581, Division 75](#) have more information about specific waiting periods).

If you file with multiple agencies at the same time, one agency may toll (pause) their process to let another agency attempt to resolve the complaint first. For example, if you file with ODE and OCR at the same time, one of those agencies may allow the other agency to investigate first, and may resume their process after that investigation is complete.

You can also pursue private legal options, such as a lawsuit, in addition to district, state, and federal complaint processes. Contact an attorney for more information about other legal options.

### **Q: Do I need a lawyer in order to file a complaint?**

No, you are not required to be represented by a lawyer in order to file a civil rights complaint with your district, ODE, or OCR.

Individuals may wish to consult with an attorney about their legal options both within and outside these processes. Private legal options, including lawsuits, are an option for many cases of discrimination. Some private legal options are subject to time limits; if you wish to consult with an attorney about your options, you should do so as soon as possible. If you retain legal counsel, they may be able to help you with the filing process through your district, ODE, or OCR.

**Q: How long does the complaint process take?**

Some complaint processes are subject to specific timelines. For example, your district's discrimination policy may indicate a maximum timeline in which you should receive a decision. This may be 10 days, 30 days, or more, depending on your district's policies and the specific steps of the process you are in. You should contact the specific agency or organization (your school district, OCR, ODE, or someone else) to discuss their timelines.

ODE's discrimination appeals processes are subject to the timelines listed in [OAR Chapter 581, Division 75](#). ODE may extend these timelines for good cause. Complex discrimination cases may take longer to process and investigate. You can expect that processes at the state and federal level may take several months or more.

**Q: What if I experience further harassment, a hostile environment, or employment consequences after filing a complaint?**

ORS 659.852 prohibits districts from retaliating against a student for reporting in good faith a violation of state law, rule, or regulation, which would include reporting protected class discrimination. If a student is experiencing retaliation after filing a complaint, contact ODE for assistance. If an employee is experiencing retaliation at work, contact the [Oregon Bureau of Labor and Industries \(BOLI\)](#) or any union or collective bargaining agency group which represents you. You may also wish to consult with personal legal counsel about your options.

**Q: What if I file a complaint with my school/district, and I'm not satisfied with the school/district's response?**

Usually you can appeal the initial response/result of any investigation up through the district, following the guidelines outlined in their discrimination policies and procedures. For example, a decision issued by a building principal may be able to be appealed to the district superintendent or the school board in many districts.

Discrimination complaints initially made to the school or district may also be appealed to ODE. See [ODE's Complaint and Appeals resource page](#) for more information.