

Sexual Harassment Complaint Procedure

(Required if the employer is the public charter school)

Muddy Creek Charter School's (MCCS) Executive Director or compliance officer has responsibility for complaints and investigations concerning sexual harassment. The investigator(s) shall be a neutral party having had no involvement in the complaint presented.

Step 1 Any sexual harassment information (i.e., complaints, rumors, etc.) shall be presented to the Executive Director or compliance officer. All such information shall be reduced to writing and will include the specific nature of the sexual harassment and corresponding dates. If the compliance officer is the subject of the complaint, the complaint will be submitted to the Executive Director. If the Executive Director is the subject of the complaint, the complaint will be submitted to the MCCS school board.

The school official receiving the complaint shall cause the school to provide written notice from the school to the complainant that includes:

1. Their rights;
2. Information about the internal complaint processes available through the school that the complainant may pursue;
3. Notice that civil and criminal remedies that are not provided by the school may be available to the complainant through the legal system and that those remedies may be subject to statutes of limitation;
4. Information about services available to the student or staff member complainants through the school including any counseling services, nursing services or peer advising;
5. Information about the privacy rights of the complainant and legal recognized exceptions to those rights for internal complaint processes and services available through the school; and
6. Information about, and contact information for, state and community-based services and resources that are available to persons who have experienced sexual harassment.

This written notification must:

1. Be written in plain language that is easy to understand;
2. Use print that is of the color, size and font that allow the notification to be easily read; and

3. Include that this information is made available to students, students' parents/legal guardians, staff members and members of the public on the school website.

Step 2 The MCCS official receiving the information or complaint shall promptly initiate an investigation. The official will arrange such meetings as may be necessary to discuss the issue with all concerned parties within 10 working days after receipt of the information or complaint. All findings of the investigation, including the response of the alleged harasser, shall be reduced to writing. The officials conducting the investigation shall notify the complainant in writing that the investigation is concluded. The parties will have an opportunity to submit evidence and a list of witnesses.

A copy of the notification letter provided in step 1 and the date and details of notification to the complainant of the results of the investigation, together with any other documentation related to the sexual harassment incident, including disciplinary action taken or recommended, shall be forwarded to the Executive Director.

Step 3 If a complainant is not satisfied with the decision at step 2, the complainant may submit a written appeal to the MCCS board. Such appeal must be filed within 10 working days after receipt of the step 2 decision. The MCCS board shall, within 30 working days, conduct a hearing at which time the complainant shall be given an opportunity to present the appeal. The MCCS board shall provide a written decision to the complainant within 10 working days following completion of the hearing.

Complaints against the Executive Director may start at step 3 and should be referred to the Board chair on behalf of the Board. The Board chair will cause the notice requirements identified in step 1 to be completed. The Board chair shall present the complaint to the Board. If the Board decides an investigation is warranted, the Board may refer the investigation to a third party. When the investigation is complete, the results will be presented to the Board. The Board chair shall notify the complainant in writing that the investigation is concluded and if a violation of the policy was found to have occurred to the extent allowable by law. After receiving the results of the investigation, the Board shall decide, within 20 days, in open session what action, if any, is warranted.

Direct complaints related to employment may be filed with the U.S. Department of Labor, Equal Employment Opportunity Commission or Oregon Bureau of Labor and Industries.

Direct complaints related to educational programs and services may be made to the Regional Civil Rights Director, U.S. Department of Education, Office for Civil Rights, Region X, 915 Second Ave., Room 3310, Seattle, WA 98174-1099.

Additional information regarding filing of a complaint may be obtained through the MCCS Executive Director or compliance officer.

All documentation related to sexual harassment complaints may become part of the student's education record or employee's personnel file, as appropriate. Additionally, a copy of all sexual harassment complaints and documentation will be maintained as a confidential file and stored in the MCCS office.

The Executive Director shall report the name of any person holding a teaching license or registered with Teacher Standards and Practices Commission (TSPC) or participating in a practicum under Oregon Administrative Rule (OAR) Chapter 584, Division 17, when, after appropriate investigation, there is reasonable cause to believe the person may have committed an act of sexual harassment. Reports shall be made to TSPC within 30 days of such a finding. Reports of sexual contact with a student shall be given to a representative from law enforcement or Oregon Department of Human Services, Community Human Services, as possible abuse of a child.

**Muddy Creek Charter School
30252 Bellfountain Rd
Corvallis, OR 97333
(541) 752-0377**

SEXUAL HARASSMENT COMPLAINT FORM

Name of complainant: _____

Position of complainant: _____

Date of complaint: _____

Name of alleged harasser: _____

Date and place of incident or incidents: _____

Description of misconduct: _____

Name of witnesses (if any): _____

Evidence of sexual harassment, i.e., letters, photos, etc. (attach evidence if possible): _____

Any other information: _____

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature: _____ Date: _____

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WITNESS DISCLOSURE FORM

Name of Witness: _____

Position of Witness: _____

Date of Testimony/Interview: _____

Description of Instance Witnessed: _____

Any Other Information: _____

I agree that all the information on this form is accurate and true to the best of my knowledge.

Signature: _____ Date: _____