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## GRIEVANCE PROCEDURE

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### GRIEVANCE PROCEDURE

For alleged discrimination based on Race, Color, Religion, National Origin, Sex, Handicap, Sexual Orientation, Age and Alleged Violations of DMV policy. Issues that may involve complaints on grievance matters fall into a general category: those items that derive from rules and regulations of the Commercial Driver Training School program.

#### **Policy**

An important goal of DMV is to maintain harmonious relations among students, parents and the Commercial Driver Training Schools (CDTS). To this end, candid and informal discussions between students, parents, schools and DMV are encouraged as a means of achieving harmony and of arriving at mutually satisfactory solutions to student/parent problems. Driver education is based upon a mutuality of interests and respect among the CDTS and their students/parents. It is important that this mutual concern for the quality of driver education and the students involved be fostered and preserved.

Each Commercial Driver Training School (CDTS) shall implement and publicize a complaint or grievance procedure by which student or parent complaints of alleged discrimination can be investigated, heard and resolved. Such alleged discrimination is defined by OAR 735-160. The Driver Training School is committed to a policy against discriminatory practices based upon race, color, religion, national origin, sex, handicap, sexual orientation or age.

#### **Purpose**

The purpose of this procedure is to allow for the resolution of student/parent grievances alleging violation of the policy against discrimination based on race, color, religion, national origin, sex, handicap, sexual orientation, or age, which results in injury to the student/parent.

This procedure allows for the resolution of student/parent grievances alleging violation of OAR 735-160-policies.

Each Operator and each Instructor accepts the responsibilities and requirements of the driver training profession. Each Operator and Instructor must adhere to the highest ethical standards of professional conduct.

To fulfill their obligations to the public and to DMV, the Operator and Instructor shall recognize that the instruction and training of student drivers is a position of trust; exhibit competence and wisdom in conducting professional responsibilities; uphold and obey the law, including but not limited to the provisions of the Motor Vehicle Code; and maintain and uphold the highest educational standards possible for instructing and training student drivers.

An Operator and Instructor will not engage in or knowingly allow any owner, officer, agent, director, manager, or employee of a School to engage in assisting or knowingly allow a student driver to fraudulently obtain driving privileges for which the student driver is ineligible or has not qualified.

For purposes of this section, "sexual contact" means:

Sexual intercourse or any touching of the sexual or other intimate parts of a person for the purpose of arousing or gratifying the sexual desire of either party. Making sexual advances either verbally or physically or request sexual contact from any student driver, whether directly, indirectly or by innuendo.

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An Operator and Instructor will not engage in or knowingly allow any owner, officer, agent, director, manager, or employee of a School to use physical force or a threat of physical force against a student driver, unless such force or threat is necessary to avoid immediate danger to the safety of the student driver, the Operator or Instructor, employees of the school, passengers in a vehicle being used for behind-the-wheel instruction, or the general public.

An Operator and Instructor will not engage in or knowingly allow any owner, officer, agent, director, manager, or employee of a School to possess any unlawful controlled substance or intoxicating beverage or be under the influence of any intoxicating beverages, drugs or controlled substances while training or instruction is being provided to student drivers.

One particular form of sex discrimination is sexual harassment. Students who wish to file a complaint of sexual harassment can consult DMV and, following such consultation, may use this grievance procedure to pursue resolution of their complaints.

### **Procedures—Informal**

Students or parents who believe that the school or employee has acted in violation of the policy as defined in OAR Division 160 that such action has resulted in injury to the student/parent are encouraged to try resolving the matter informally with either the party alleged to have committed the violation, in which the alleged violation occurred, or both. Any attempts to resolve the alleged violation informally should occur within the thirty (30) day period as the time limit for filing a formal complaint expires at that point.

### **Procedures--Formal**

#### Provision of Grievance Information

The school shall provide upon request, information to the student/parent on the available grievance mechanisms, and on pertinent legislation and the school's efforts to comply with the legislation.

#### Filing a Complaint

If informal resolution is not attempted or is unsuccessful within thirty (30) days of the alleged violation, the student/parent has an additional ninety (90) days within which to file a formal written complaint with DMV. Such complaint must include a detailed explanation of how a specific policy or regulation was allegedly violated and the remedy requested. The remedy sought should be one that would place the student/parent in the position that he/she would have been in, but for the alleged discrimination.

#### Investigation

Upon receipt of a formal complaint DMV shall furnish, within ten (10) days, a copy of the complaint to the:

(1) Investigator(s), (2) School owner, and (3) acting instructor.

The School's owner must file an answer to the charges in writing with DMV investigator(s) within ten (10) days after receipt of the complaint. A copy of this answer shall be sent to the grievant. During the ten (10) days following the department, in any case, no later than twenty (20) days following the receipt of the original complaint by the investigator(s), investigator(s) shall examine the circumstances of the alleged violation, attempt to seek resolutions, and shall make a report to DMV, to the student, and the owner of the school which the alleged violation occurred.

#### Appeals

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Within ten (10) days of receipt of the report to the student, he/she must notify DMV in writing if a hearing is desired. If the student is to be assisted by a representative, the name of the representative and a statement as to whether the representative or the student has legal training must be provided in writing to DMV at the time the formal complaint is filed. Students assisted by a representative must sign a release at this time authorizing the representative to receive copies of relevant materials. DMV shall arrange for an impartial hearing within thirty (30) days. At least fifteen (15) days notice of the time and place of the hearing shall be given to the head of the department or unit where the alleged violation occurred and to the grievant. Such notification shall be given personally or by registered mail.

DMV will make a decision on the recommendation within fifteen (15) days of the receipt of the report from the hearing entity.

Both parties to the complaint and their representatives shall be notified, promptly, in writing, of DMV's decision, and furnished a copy of the report from the hearing entity.