

Policy Committee Meeting
Monday, November 16, 2020 4:00 PM

Virtual

Agenda

1. Introductions
2. Board Assignments to Policies Under Draft and/or Revision - 10 min.
3. 4.50.032-P Formal Public Complaints - 60 min.
4. 4.xx.xxx-P All Students Belong - Draft policy updates - 40 min.
5. 4.30.060-P Title IX - Draft policy updates - 30 min.
6. 5.xx.xxx-P Indemnification Policy - Committee discussion - 30 min.
7. Public Comment - 10 min.
5 Two-Minute slots
**To sign-up for comment email*
PublicComment@pps.net or
call Kara Bradshaw at 503-916-3906.
8. Adjourn



Complaint Policy 4.50.032-P

Portland Public Schools recognizes students, parents/guardians, and the broader PPS community as essential partners ~~in the educational process~~. These important partners must have the opportunity to make their concerns known to the ~~e~~District. Maintaining strong relationships includes having a fair, accessible process in which complaints can be addressed in a timely manner. Portland Public Schools welcomes expressions of concern as opportunities to learn, clarify our intentions, and engage in continuous improvement to benefit all students.

Whenever possible, concerns should be resolved informally through direct communication with the school or department ~~directly~~ involved ~~in the issue~~. If this approach does not resolve the concerns, the District provides a formal complaint process. ~~The Board intends that e~~Complaints should be resolved as expeditiously quickly as possible and in compliance with state law.

The District serves a diverse community of students and parents/guardians. The Racial Educational Equity Policy 2.10.010-P provides: “The District shall welcome and empower students and families, including underrepresented families of color (including those whose first language may not be English) as essential partners in their student’s education, school planning and District decision ~~making~~. The District shall create welcoming environments that reflect and support the racial and ethnic diversity of the student population and community.” The complaint process must be ~~implemented in a manner that is~~ accessible to, and welcoming of, all of our students, parents/guardians, and PPS community members. All parties to the complaint process will be treated, and will treat others, with dignity and respect.

I. ~~Administrative Directive creation and review; Annual reports;~~ Transparency and accessibility

- A. ~~The Board of Education directs the Superintendent to implement an administrative directive that sets forth the specific process and procedure for complaint resolution. The administrative directive and any changes that are subsequently made will be submitted to the Board for review. The Board further directs the Superintendent to make~~ information regarding the complaint process shall be accessible to members of the school community ~~in a manner that is accessible~~ and user-friendly ~~, and to~~ The District shall provide training for building administration and designated ~~e~~District staff ~~in the implementation of~~ how to handle formal complaints under this policy and the administrative directive [insert number here]. ~~Since~~ Because complaints

can be an important indicator of the health of an organization, the Superintendent will provide to the Board at least annually ~~a document that provides~~ data on trends and emerging issues, as well as an assessment of the functioning of the formal complaint process.

- B.** A full explanation of the complaint procedure, including all forms, shall be available at the ~~d~~District's administrative office and on ~~the home page of~~ the ~~d~~District's website.

1. Types of complaints

This policy provides a process for resolving complaints as required by Oregon Administrative Rule 581-022-2370-, including, but not limited to, complaints related to:

- a) Instructional standards and practices
 - (1) Curriculum
 - (2) Teaching strategies
 - (3) Testing
 - (4) Counseling
 - (5) Class size
 - (6) Alternative education programs
 - (7) Instructional materials
 - (8) Compliance with state standards
- b) Special education
- c) Health and safety
- d) Equitable education opportunities
- e) Sports safety
- f) Restraint and/or seclusion
- g) Discrimination in education
- h) Retaliation against a student or parent/guardian

II. TIMELINES

- A.** In order to investigate a complaint while memories are recent and witnesses and documents are likely more available, a complaint may be filed within the following time limits established by state law:

- 1. Within two years after the alleged violation or unlawful incident occurred or the complainant discovered the alleged violation or unlawful incident. For incidents that are continuing in nature, the time limitation runs from the date of the most recent incident; OR
- 2. Within one year after the affected student has graduated from, moved away from, or otherwise left the ~~d~~District, whichever is later.

- B.** The time limitations for bringing formal complaints may be

extended by the District for complaints concerning about significant student safety issues, including those arising out of employee misconduct, sexual abuse or conduct, or other allegations of harm to students.

- C. The receipt of a written complaint starts the 90-day timeline for resolution of complaints under this policy.

III. FILING A COMPLAINT

A. STEP 1:

1. The written complaint must be filed with the District's complaint coordinator via by letter, email, or the written complaint form. The written complaint should include the name and contact information for the complainant, a description of the concern, and the student's name, if applicable. It is helpful if the written complaint also includes the names of any other parties involved, including witnesses; a description of efforts to resolve the concern; and suggestions for resolution. The complainant shall receive a written acknowledgement of receipt of the complaint within 5 days of submitting the written complaint. The District will recognize complaints in multiple formats: the written complaint form, letter or through email[1].
2. In most situations, a District leader for the involved school, or the appropriate departmental supervisor, will be responsible for investigating and responding to the complaint at Step 1. The Superintendent may assign a different decision maker at Step 1 as appropriate.
3. All formal complaints will receive a decision in writing that addresses each concern raised and contains reasons for the District's decision within 30 days of receipt of the complaint, unless the parties agree to extend the deadline. The resolution will include information about the next steps in the complaint process[2].

IV. FILING AN APPEAL

A. STEP 2: APPEAL TO THE SUPERINTENDENT

If the issue is not resolved to the complainant's satisfaction, the complainant may request a review by the Superintendent. The request for review shall be submitted in writing within 10 days of the complainant receiving notice of resolution from the decision in Step 1.

1. After reviewing materials previously submitted or gathered and

after conducting additional review, if deemed necessary, the Superintendent or designee shall issue a written decision addressing the review of each concern raised and the reason for the decision and provide the written decision to the complainant, pursuant to OAR 581-022-2370. All complaints appealed to the Superintendent will receive a decision in writing within 30 days of receipt of the request for review. The Superintendent or designee decision will include information on the steps for further appeal under this policy.

2. Upon receiving the Superintendent's decision, if the complainant wants to continue to appeal, the complainant may appeal to the Board.

B. STEP 3: APPEAL TO THE PPS SCHOOL BOARD

The Board will vote on ~~the substance of~~ the appeal within 30 days of the written request to appeal the Superintendent's decision. The Board will have the full written record of the decisions at Step 1 and Step 2. ~~The District staff and the Complainant shall exchange all any other~~ written background information they intend to present to the Board at the appeal hearing at least 24 hours before the hearing appeal is to be heard. The complainant may submit additional written information to the Board and may provide testimony during public comment when the complaint is heard. The Board shall decide that the Superintendent's ~~final~~ decision is:

1. Affirmed and no further action will be taken; or
2. Reversed and may direct the Superintendent to take alternative steps or other course of action. To the extent the Board modifies the Superintendent's decision, it will issue a final decision that addresses each concern raised in the complaint and contains reasons for the District's decision.

If the complainant is not satisfied with the decision of the Board, the complainant can file an appeal with the Oregon Department of Education (ODE) as permitted by OAR 581-022-2370(4)(b) and OAR 581-002-000540.

C. Anonymous Other Types of Complaints

PPS accepts confidential anonymous formal complaints concerning Division 22 matters by email at anonymouscomplaints@pps.net and phone at 503-916-3462. Those making complaints anonymously should

provide as much information as possible ~~when making the complaint~~. PPS will investigate any complaint, including anonymous complaints, as fully as it can.

~~For e~~Complaints about Sexual Conduct and Sexual Discrimination ~~should be directed to the, complainants should contact~~ the Title IX Department ~~here~~.^[3]^[4]

~~For e~~Complaints or reports about child abuse ~~should be directed~~ immediately ~~, contact to~~ the Child Abuse hotline at ~~1-855-503-SAFE~~, as well as to a PPS supervisor.

More information ~~about en~~ conflict resolution ~~and other~~ resources ^[5]~~may~~ be found ~~here~~.

D. Other provisions

1. ~~The District will provide **limited the following** resources to assist **the complainants** through the process: **-These include** Translation and interpretation services are available to complainants, and other **reasonable** accommodations to **allow** access ~~to~~ the process. ~~The provision of legal services or~~ Legal[6][7] advice is not a resource ~~available through the provided by the~~ District.~~
2. ~~The District will provide resources for complainants who request assistance in preparing a written complaint. REQUEST ASSISTANCE A list of resources can be found HERE[8][9]~~
3. The Superintendent [10] shall avoid any conflicts of interest, or the appearance of conflicts of interest, in assigning the district representative to investigate and respond to a complaint.
4. Complainants may bring an advocate or support person to any meeting or proceeding.
5. Retaliation against any person who files or participates in the complaint process is strictly prohibited. Retaliation is any **intentional** action that would deter a reasonable person from participating in the process. Anyone who believes they have suffered retaliation should immediately report it to the Superintendent or PPS Board of Directors.
6. The District will share with complainants as much information as possible about the findings of the investigation and will, in all cases, share the outcome of its investigation of complaints. However, PPS is often prohibited from disclosing specific information about disciplinary action taken against an employee or student involved in the complaint. The Board will only hear complaints concerning students and employees in a closed session unless the and will [11][12] not hear these types of complaints against employees in a session open to the public unless the an employee or family requests an open session.
7. If the ~~e~~District fails to meet the timelines stipulated [13] set forth in this process in this policy, the complainant may appeal to the PPS School Board or to the Oregon Department of Education. The timelines may be extended by the mutual consent agreement between of the complainant and the District. For example, this may be needed if there are many witnesses to interview, key witnesses are unavailable

because of holidays, medical leave, etc., or if a particular Board meeting does not work for the complainant.

8. As used in this policy, “days” will be counted as “calendar days.” Any period for response under this policy that falls on a weekend or legal holiday shall be extended to the next business day.
9. The ~~d~~District may not be able to assure confidentiality of the names of persons who file complaints under this policy.
10. If a complaint alleges employee misconduct that is outside the scope of this policy, the complaint coordinator will notify the Superintendent in writing of that filing, and the District will endeavor to respond in a timely manner to the complaint.
11. Current and former employees may not bring a complaint under this policy regarding the terms, conditions, or status of their employment.
12. ~~Complaints that have been previously filed, investigated, and responded to and for which appeals have been exhausted or the time for appeal has expired on behalf of the District and/or Board cannot be refiled when the complaint is regarding a particular incident or issue that has already been heard/addressed through the Formal Complaint process, per OAR XXXX.~~
13. ~~Since Because the Board serves as the final decision maker at the Step 3 appeal/venue of final appeal, Board members should not knowingly refrain from initiate or continue [14]ing or pursuing contact with complainants once a formal complaint has been filed or independently investigate allegations in the complaint.[15]~~

E. Complaints against the Superintendent or members of the Board of Education

Any complaint about the Superintendent shall be reviewed by the Board of Education.

Board members are volunteers serving in an elected capacity and are accountable to the citizens in the Portland Public Schools district for their actions and policy positions. Complaints alleging ethics violations or violations of the law against an individual Board member should be made to the Board chair who will refer these issues to appropriate governmental jurisdictions or a third party if a majority of the Board approves of the referral. Complaints related to ethics violations or violations of the law against the Board Chair should be made to the Board Vice-Chair(s) who

will refer these issues to appropriate governmental jurisdictions or a third party if a majority of the Board approves of the referral. If a third party investigates a complaint, after receiving the results of the investigation, the Board shall decide, within 30 days, in open session what action, if any, is warranted.

F. Complaints submitted to school board members of the Board of Education

School board members who receive formal complaints from constituents or staff shall forward complaints to the District's complaint coordinator. Board members shall forward informal complaints to the appropriate school or department in order to address the concern.

V. FURTHER APPEAL RIGHTS

If any complaint alleges a violation of Oregon Administrative Rule (OAR) Chapter 581, Division 22 (Standards), Oregon Revised Statute (ORS) 339.285 to 339.383 or OAR 581- 021-0550 to 581-021-0570 (Restraint and Seclusion), or ORS 659.852 (Retaliation), and the complaint is not resolved through the complaint process, the complainant, who is a student, a parent or guardian of a student attending a school in the ~~e~~District, or a person who resides in the ~~e~~District, may appeal a final decision by the ~~D~~istrict to the Deputy Superintendent of Public Instruction as outlined in Oregon Administrative Rule (OAR) 581- 002-00540.

If the complaint alleges discrimination pursuant to ORS 659.850 (Discrimination in Education), a complainant may appeal a final decision by the District to the Oregon Department of Education or may file a complaint directly with the U.S. Department of Education without having to exhaust ~~e~~District procedures under this policy.

In addition to using the District complaint procedure, Special Education complaints may be made directly to the Oregon Department of Education. The complainant must send a copy of the complaint to the District ~~simultaneous at the same time it to filing itth complaint with and~~ the Department of Education at the same time.

Adopted 11/2014; Amended 6/12/18, /2020

Legal Reference(s):

[ORS 92.610 to 192.690](#)
[ORS 332.107](#) [ORS 339.285 to 339.383](#)
[ORS 659.852](#)
[OAR 581-022-2370](#)



11/16/2020 Policy Committee Draft- Redline version

[DRAFT Alternative Preamble] We know that when families are engaged with their children’s schools, children are more likely to have academic success, graduate from high school, develop self confidence, and demonstrate strong social behaviors. When we put children at the center of our decisions and actions, we can deliver better experiences for all students and families. We also know that our school district can be complex and that families and students will have questions and sometimes concerns about our curriculum, classrooms, programs, and other experiences. We welcome those conversations and expect that all adults, including PPS educators and other staff, will model our core values--including respect, relationships, honesty and integrity, collaboration, and a strong commitment to racial equity and social justice--when we have those conversations.

When a student or family has a concern, we encourage a direct conversation with the educator or department directly involved in the issue. There are many other District staff who may be able to help, too, including administrators who oversee specific schools or departments. The District also has a [Family Resource Coordinator[1][2][3]], who can help families access information, connect with District staff, and help resolve concerns[4].

We also make available to students, families, and all who reside within the PPS community a Formal Complaint process. This policy and the accompanying administrative directive[5] describe that process in greater detail. All parties to a Formal Complaint shall be treated and treat others with respect and dignity, and the District will provide support to those making complaints so that the process is accessible, transparent, and reflects our strong commitment to racial equity and social justice.

[CURRENT Preamble] Portland Public Schools recognizes students, parents/guardians, and all who reside within- the broader-PPS community as essential partners. in-the-educational process. These important partners must have the opportunity to make their concerns known to the dDistrict. Maintaining strong relationships includes having a fair, accessible process in which complaints can be addressed in a timely manner. Portland Public Schools welcomes expressions of concern as opportunities to learn, clarify our intentions, and engage in

continuous improvement to benefit all students.

Whenever possible, the District encourages members of the community to attempt to resolve concerns ~~should be resolved~~ informally through direct communication with the school or department ~~directly~~ involved ~~in the issue~~. If this approach does not resolve the concerns, the District provides a formal complaint process. ~~The Board intends that e~~The District will ~~Complaints should be~~ resolved complaints as ~~expeditiously~~ quickly as possible and in compliance with state law.

The District serves a diverse community of students and parents/guardians. The Racial Educational Equity Policy 2.10.010-P provides: "The District shall welcome and empower students and families, including underrepresented families of color (including those whose first language may not be English) as essential partners in their student's education, school planning and District decision-making. The District shall create welcoming environments that reflect and support the racial and ethnic diversity of the student population and community." The District's goal is to have a complaint process that is ~~must be implemented in a manner that is~~ accessible to, and welcoming of, all of our students, parents/guardians, and PPS community members. All parties to the complaint process will be treated, and will treat others, with dignity and respect.

I. ~~Administrative Directive creation and review; Types of Complaints; Annual reports; Transparency and a~~Accessibility; Training; and Annual Reports

A. A full explanation of the complaint procedure, including all forms, shall be available at the District's administrative office and on the home page of the District's Conflict Resolution website found here _____.

1. Types of complaints

This policy provides a process for resolving complaints as required by Oregon Administrative Rule 581-022-2370 , including, but not limited to, complaints related to:

a) Instructional standards and practices

- (1) Curriculum**
- (2) Teaching strategies**
- (3) Testing**
- (4) Counseling**
- (5) Class size**
- (6) Alternative education programs**
- (7) Instructional materials**
- (8) Compliance with state standards**

b) Special education

c) Health and safety

d) Equitable education opportunities

e) Sports safety

f) Restraint and/or seclusion

g) Bias or discrimination in education

h) Retaliation against a student or parent/guardian

i) Failure to investigate complaints of bias^[6]^[7]

~~B. The Board of Education directs the Superintendent to implement an administrative directive that sets forth the specific process and procedure for complaint resolution. The administrative directive and any changes that are subsequently made will be submitted to the Board for review. The Board further directs the Superintendent to make i~~Information regarding the complaint process shall be easily accessible to members of the school community ~~in a manner that is accessible and user-friendly.~~, and to

~~C. The District shall~~ provide training for building administration and designated ~~d~~District staff ~~in the implementation of~~ on how to handle formal complaints under this policy, as well as ~~and the~~ administrative directive 4.50.031-AD ~~[insert number here]~~. Since

~~A.D. Because~~ complaints can be an important indicator of the health of an organization, the Superintendent will provide to the Board at least annually ~~a document that provides~~ data on trends and emerging issues, as well as an assessment of the functioning of the formal complaint process.

~~B. A full explanation of the complaint procedure, including all forms, shall be available at the d~~District's administrative office ~~and on the home page of the d~~District's Conflict Resolution website found here.

~~1. Types of complaints~~

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- ~~a) Instructional standards and practices
 - ~~(1) Curriculum~~
 - ~~— Teaching strategies~~
 - ~~(2) Testing~~
 - ~~(2) Counseling~~
 - ~~(2) Class size~~
 - ~~(2) Alternative education programs~~
 - ~~(2) Instructional materials~~
 - ~~(3) Compliance with state standards~~~~
- ~~a) Special education~~
- ~~a) Health and safety~~
- ~~a) Equitable education opportunities~~
- ~~a) Sports safety~~
- ~~a) Restraint and/or seclusion~~
- ~~a) Discrimination in education~~
 - ~~— Retaliation against a student or parent/guardian~~
- ~~b) Failure to investigate complaints of bias~~

II. TIMELINES

- A. In order to investigate a complaint while memories are recent and witnesses and documents are likely more available, a complaint ~~must~~may be filed within the following time limits ~~established by state law~~:
1. Within two years after the alleged violation or unlawful incident occurred or the complainant discovered the alleged violation or unlawful incident. For incidents that are continuing in nature, the time limitation runs from the date of the most recent incident; OR
 2. Within one year after the affected student has graduated from, moved away from, or otherwise left the ~~d~~District, whichever is later.
- B. The time limitations for bringing formal complaints may be extended by the District for complaints ~~concerning~~about significant student safety issues, including those arising out of employee misconduct, sexual abuse or conduct, or other allegations of harm to students.
- C. The receipt of a written complaint starts the 90-day timeline for resolution of complaints under this policy.

III. FILING A COMPLAINT

A. STEP 1:

1. The written complaint must be filed with the District's complaint coordinator ~~via~~by letter, email, or the [written complaint form](#). The written complaint should include the name and contact information for the complainant, a description of the concern, and the student's name, if applicable. It is helpful if the written complaint also includes the names of any other parties involved, including witnesses~~;~~, a description of efforts to resolve the concern~~;~~, and suggestions for resolution. The complainant shall receive a written acknowledgement of receipt of the complaint within 5 days of submitting the ~~written~~complaint. [The District will recognize complaints in multiple formats: the written complaint form, letter, or ~~through~~email~~8~~](#).
2. In most situations, a District leader for the involved school, or the appropriate departmental supervisor, will be responsible for investigating and responding to the complaint at Step 1. The Superintendent may assign a different decision maker at Step 1 as appropriate.
3. All formal complaints will receive a decision in writing that addresses each concern raised and contains reasons for the District's decision within 30 days of receipt of the complaint, unless the parties agree to extend the deadline. The resolution will include information about the next steps in the complaint [process](#)~~9~~.

IV. FILING AN APPEAL

A. STEP 2: APPEAL TO THE SUPERINTENDENT

If the issue is not resolved to the complainant's satisfaction, the complainant may request a review by the Superintendent. The request for review shall be submitted in writing within 10 days of the complainant receiving ~~notice of resolution from~~ the decision in Step 1.

1. After reviewing materials previously submitted or gathered and after conducting additional review, if deemed necessary, the Superintendent or designee shall issue a written decision addressing the review of each concern raised and the reason for the decision and provide the written decision to the complainant, pursuant to OAR 581-022-2370. All complaints appealed to the Superintendent will receive a decision in writing within 30 days of receipt of the request for review. The ~~Superintendent or designee decision~~ decision will include information on the steps for further appeal under this policy.
2. Upon receiving the Superintendent's decision, if the complainant wants to continue to appeal, the complainant may appeal to the Board.

B. STEP 3: APPEAL TO THE PPS SCHOOL BOARD

The Board will vote on ~~the substance of~~ the appeal within 30 days of the written request to appeal the Superintendent's decision. The Board will have the full written record of the decisions at Step 1 and Step 2. ~~The District staff and the Complainant shall exchange all any other written background information they intend to present to the Board at the appeal hearing at least 24 hours before the hearing appeal is to be heard. If new information is offered after this period of time less than 24 hours before the Board hearing, the complainant may ask for an extension of time.~~ The complainant ~~may submit additional written information to the Board and~~ may provide testimony ~~during public comment when the complaint is heard.~~ The Board shall decide that the Superintendent's ~~final~~ decision is:

1. Affirmed and no further action will be taken; or
2. Reversed and may direct the Superintendent to take alternative steps or other course of action. To the extent the Board modifies the Superintendent's decision, it will issue a final decision that addresses each concern raised in the complaint and contains reasons for the District's decision.

If the complainant is not satisfied with the decision of the Board, the complainant can file an appeal with the Oregon Department of Education (ODE) as permitted by OAR 581-022-2370(4)(b) and OAR 581-002-000540.

C. ~~Anonymous~~ Other Types of Complaints

PPS accepts confidential anonymous [formal](#) complaints [concerning Division 22 matters](#) by email at anonymouscomplaints@pps.net and phone at 503-916-3462. Those making complaints anonymously should provide as much information as possible ~~when making the complaint~~. PPS will investigate any complaint, including anonymous complaints, as fully as it can.

~~For e~~ [Complaints about Sexual Conduct and Sexual Discrimination should be directed to ~~complainants should contact~~ the Title IX Department here.](#) [\[10\]](#) [\[11\]](#)

~~For e~~ [Complaints or reports about child abuse should be directed immediately ~~contact~~ to the Child Abuse hotline at 1-855-503-SAFE, as well as to a PPS supervisor.](#)

[More information about ~~on~~ conflict resolution and other resources](#) [\[12\]](#) [\[13\]](#) [\[14\]](#) [may be found here.](#)

D. Other provisions

1. [The District will provide ~~limited~~ the following resources to assist the complainants through the Formal Complaint process: ~~These include Translation and interpretation services are available to complainants, and other reasonable accommodations to allow access to the process. The provision of legal services or~~ Legal advice is not a resource ~~available through the provided by the District.~~](#)

4.

2. ~~The District will provide resources for complainants who request assistance in preparing a written complaint. [REQUEST ASSISTANCE](#) A list of resources can be found [HERE](#)~~

3. The ~~Superintendent~~ [District](#) shall avoid any conflicts of interest, or the appearance of conflicts of interest, in assigning the district representative to investigate and respond to a complaint.

4. Complainants may bring an advocate or support person to any meeting or proceeding.

5. Retaliation against any person who files or participates in the complaint process is strictly prohibited. Retaliation is any [intentional](#) action that would deter a reasonable person from participating in the process. Anyone who believes they have suffered retaliation should immediately report it to the Superintendent or PPS Board of Directors.

6. The District will share with complainants as much information as possible about the findings of the investigation and will, in all cases, share the outcome of its investigation of complaints. However, PPS is often prohibited from disclosing specific information about disciplinary action taken against an employee [or](#)

student involved in the complaint. The Board will only hear complaints concerning students and employees in a closed session and ~~will not hear these types of complaints against employees in a session open to the public~~ unless ~~the~~ an employee or student/family requests an open session.

7. If the ~~d~~District fails to meet the timelines stipulated [15] ~~set forth in this process in this policy~~, the complainant may appeal to the PPS School Board or to the Oregon Department of Education. The timelines may be extended by ~~the mutual consent agreement between~~ of the complainant and the District. For example, this may be needed if there are many witnesses to interview, key witnesses are unavailable because of holidays, medical leave, etc., or if a particular Board meeting does not work for the complainant.
8. As used in this policy, “days” will be counted as “calendar days.” Any period for response under this policy that falls on a weekend or legal holiday shall be extended to the next business day.
9. The ~~d~~District may not be able to assure confidentiality of the names of persons who file complaints under this policy.
10. If a complaint alleges employee misconduct that is outside the scope of this policy, the complaint coordinator will notify the Superintendent in writing of that filing, and the District will endeavor to respond in a timely manner to the complaint.
11. Current and former employees may not bring a complaint under this policy regarding the terms, conditions, or status of their employment.
12. ~~Complaints that have been previously filed, investigated, and responded to and for which appeals have been exhausted or the time for appeal has expired on behalf of the District and/or Board cannot be refiled when the complaint is regarding a particular n-incident or issue that has already been heard~~ addressed through the Formal Complaint process. per OAR XXXX.
13. Additional allegations offered during the Step 2 process will not be heard along with the original complaint. The person making the complaint will be informed that the allegation will not be addressed as part of the Step 2 response and that the allegation must be filed as a new complaint with the District’s complaint coordinator.
~~14.~~
- ~~15.~~14. Since Because the Board serves as the final decision maker at the Step 3 appeal venue of final appeal, Board members should not knowingly refrain from initiate or continue ing- or pursuing contact with complainants once a formal complaint has been filed or independently investigate allegations in the complaint.[16]

E. Complaints against the Superintendent or members of the Board of Education

Any complaint about the Superintendent shall be reviewed by the Board of Education.

Board members are volunteers serving in an elected capacity and are accountable to the citizens in the Portland Public Schools district for their actions and policy positions. Complaints alleging ethics violations or violations of the law against an individual Board member should be made to the Board chair who will refer these issues to appropriate governmental jurisdictions or a third party if a majority of the Board approves of the referral. Complaints related to ethics violations or violations of the law against the Board Chair should be made to the Board Vice-Chair(s) who will refer these issues to appropriate governmental jurisdictions or a third party if a majority of the Board approves of the referral. If a third party investigates a complaint, after receiving the results of the investigation, the Board shall decide, within 30 days, in open session what action, if any, is warranted.

F. Complaints submitted to ~~school board~~ members of the Board of Education

School board members who receive formal complaints from constituents or staff shall forward complaints to the District's complaint coordinator. Board members shall forward informal complaints to the appropriate school or department in order to address the concern.

V. FURTHER APPEAL RIGHTS

If any complaint alleges a violation of Oregon Administrative Rule (OAR) Chapter 581, Division 22 (Standards), Oregon Revised Statute (ORS) 339.285 to 339.383 or OAR 581-021-0550 to 581-021-0570 (Restraint and Seclusion), or ORS 659.852 (Retaliation), and the complaint is not resolved through the complaint process, the complainant, who is a student, a parent or guardian of a student attending a school in the ~~d~~District, or a person who resides in the ~~d~~District, may appeal a final decision by the ~~D~~istrict to the Deputy Superintendent of Public Instruction as outlined in Oregon Administrative Rule (OAR) 581-002-000540.

If the complaint alleges discrimination pursuant to ORS 659.850 (Discrimination in Education), a complainant may appeal a final decision by the District to the Oregon Department of Education or may file a complaint directly with the U.S. Department of Education without having to exhaust ~~d~~District procedures under this policy.

In addition to using the District complaint procedure, Special Education complaints may be made directly to the Oregon Department of Education. The complainant must send a copy of the complaint to the District ~~simultaneous at the same time it to filing itth~~ complaint with and the Department of Education at the same time.

Adopted 11/2014; Amended 6/12/18, /2020

Legal Reference(s):

ORS 192.610 to 192.690

[ORS 332.107](#)
[ORS 339.285 to 339.383](#)
[ORS 659.852](#)
[OAR 581-022-2370](#)



Board Policy

Anti-Racist Learning Communities 4.XX.XXX-P

11/16/20 Draft- Policy Committee

I. Purpose

Portland Public Schools is committed to an anti-racist and racial equity and social justice approach to public education to ensure a learning environment that is free from hate and the legacy of school segregation and institutional racism for all students and staff. The District unequivocally affirms that Black lives matter. We believe in the fundamental right to human dignity and that generating an equitable world requires an educational system that intentionally disrupts—and builds leaders to disrupt—systems of oppression.

We can begin the process of healing through implementation of policies and curriculum to address cultural and institutional racism. Central to this goal is the need for the District to create an inclusive environment that reflects and supports the racial and ethnic diversity of our student population and community.

Every student is entitled to a high-quality educational experience, free from discrimination or harassment based on perceived race, color, ethnicity, religion, gender identity, sexual orientation, disability, or national origin.

Every employee is entitled to work in an environment that is free from discrimination or harassment based on perceived race, color, religion, gender identity, sexual orientation, disability or national origin.

Every visitor is entitled to participate in an environment that is free from discrimination or harassment based on perceived race, color, religion, gender identity, sexual orientation, disability or national origin.

II. Definitions

1. “Bias incident” means a person’s hostile expression of animus toward another person, relating to the other person’s perceived race, color, ethnicity, religion, gender identity, sexual orientation, disability, or national origin of which criminal investigation or prosecution is impossible or inappropriate. Bias incidents may include derogatory language or behavior directed at or about any of the preceding demographic groups.

2. “Symbol of hate” means a symbol, image, or object that expresses animus on the basis of race, color, religion, gender identity, sexual orientation, disability or national

origin including, the noose, swastika, or confederate flag, and symbols contained in the [Hate on Display Hate Symbols Database](#), and whose display:

- a. Is reasonably likely to cause a substantial disruption of or material interference with school activities; or
- b. Is reasonably likely to interfere with the rights of students by denying them full access to the services, activities, and opportunities offered by a school or program.

III. Expectations and Consequences

Symbols of hate that are disruptive to the learning environment; that contain language, symbols, or images that are discriminatory; are recognized to promote hate or violent conduct; or contain threats are prohibited and will not be tolerated in our schools and school property. These include, but are not limited to student and adult clothing, apparel, accessories, gestures, or other symbols such as those that depict symbols of hate.

The District prohibits the use or display of any symbols of hate on District grounds or in any District- or school-sponsored program, service, school, or activity, except where used in teaching curriculum that is aligned to the Oregon State Standards.

In responding to the use of any symbols of hate, the District will follow the procedures outlined in the Anti-Racist Learning Communities Administrative Directive found [here](#). The District will use restorative and non-disciplinary action whenever appropriate but may also impose disciplinary sanctions where warranted.

The District prohibits retaliation against any individual because that person has in good faith filed a charge, testified, assisted, or participated in an investigation, proceeding, or hearing; and further prohibits anyone from coercing, intimidating, threatening, or interfering with an individual for exercising any rights guaranteed under state and federal law.

Nothing in this policy is intended to interfere with the lawful use of District facilities pursuant to a lease or license.

Reports or complaints of bias incidents will be processed pursuant to the Bias Incident Complaint Procedure found [here](#) (need hyperlink for AD).

END OF POLICY

Legal Reference(s):

[ORS 659.850](#); [ORS 659.852](#); [OAR 581-002-0005](#); [OAR 581-022-2312](#); [OAR 581-022-2370](#)

Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503 (1969).

Dariano v. Morgan Hill Unified Sch. Dist., 767 F.3d 764 (9th Cir. 2014).

State v. Robertson, 293 Or. 402 (1982).

OSBA: **ACB**

Adopted: __/20



Professional Conduct Between Adults and

PURPOSE

District staff show extraordinary dedication and care in their daily work with students. A hallmark of this commitment is the development of strong relationships between adults and students. We believe that:

- A. Children are always learning about healthy relationships, and their most significant learning about relationships comes from how adults behave.
- B. Consistent relationship boundaries help children feel safe. Boundaries help them trust adults and help them know what is healthy behavior.
- C. Children need adults to be adults. Adults' behaviors set the conditions for healthy relationships.
- D. Adults are responsible for creating safe spaces.

The purpose of this policy is to establish common understanding and expectations for all adults in our District on setting consistent and safe boundaries with students. Those boundaries maintain the healthy relationships and safe spaces that students need to thrive.

GENERAL STANDARDS & DEFINITIONS

- A. For purposes of this policy, **except as specifically noted**, "adults" include any and all District employees, coaches, substitutes, contracted service providers, and volunteers in their interactions with students in District schools and programs.
- B. "Student" means any person: (1) Who is: (a) In any grade from pre- kindergarten through grade 12; or (b) Twenty-one years of age or younger and receiving educational or related services from an education provider that is not a post-secondary institution of education; or (2) Who was previously known to the adult covered under this policy as a student and who left school or graduated from high school within 90 days of any alleged conduct violating this policy.
- C. For purposes of this policy, the term "legitimate educational purpose" includes matters or communications related to teaching, counseling, athletics, extracurricular activities, social-emotional support that serves the interest of the student, treatment of a student's physical injury or other medical needs, school administration, or other purposes within the scope of the adult's employment or other District-related duties.
- D. A "boundary violation" is behavior or interaction by an adult with a student that has no legitimate educational purpose and has the potential to cause harm to the student.
- E. All adults should maintain the highest professional and ethical standards when interacting with students. These standards are defined by the Oregon Teacher Standards and Practices Commission and by District policy.
- F. Volunteers play unique and important roles in students' lives, and many also have relationships outside the school setting. **This policy applies to volunteers in the context of their volunteer commitment with the District.** The District expects volunteers to maintain appropriate conduct with students when they are engaged in District-authorized activities as outlined in this and other policies.



Professional Conduct Between Adults and

GUIDELINES FOR INTERACTIONS BETWEEN ADULTS AND STUDENTS

A. General Guidelines and Required Training

The interactions and relationships between adults and students should be based upon respect and trust, an understanding of the appropriate boundaries between adults and students in and outside of the educational setting, and consistency with the educational mission of our schools.

Adults may not intrude or appear to intrude on a student's physical and emotional boundaries unless the purpose of the interaction is to serve a legitimate educational purpose.

Adults [with direct, unsupervised contact with students](#) are required to complete annual training provided by the District on sexual conduct prevention to provide guidance and establish appropriate professional boundaries for student-adult interactions.

We recognize that forming a relationship with students is an important aspect of teaching; however, adults should not engage in discussions with students when its purpose is to meet the adult's personal needs rather than the student's needs. If a student initiates a discussion about a significant personal or family problem, adults are encouraged to seek guidance from appropriate resources such as their principal or school counselors, as needed.

B. Conduct Outside a School Setting

Adults shall use good judgment in their relationships with students beyond their work responsibilities and/or outside the school setting. Informal and social involvements with individual students should be based on appropriate professional boundaries. Volunteers with community-based relationships with students are not subject to this provision in their relationships with those students in non-District settings. In addition to regular classroom instruction and extracurricular activities, staff members may also act in their professional capacity outside of the school day—for example, in providing before- and after-care, tutoring to improve students' academic skills, mentoring that provides students with positive role models, answering questions about school assignments, hosting school-sanctioned or school-sponsored activities and events. We recognize that adults will also encounter students out in our community in the normal course of their personal lives.

Even during non-school hours, when District employees and third-party contractors are acting in their professional capacity, they must maintain at all times ethical standards consistent with Teachers Standards and Practices Commission (TSPC) standards and District policies.

One-to-one tutoring and mentoring offered during school or non-school hours must take place at the school unless the principal or appropriate supervisor has received prior notification of an off-site location and written permission from the parent/guardian has been obtained. Unless otherwise approved by the principal or other District administrator, volunteers on District property must be under the supervision of a District staff member.

C. Appropriate Personal and Community Relationships

There may be circumstances where there is an appropriate personal relationship between staff and a student's family that exists independently of the staff member's position with the District (e.g., when the families' children are friends). This policy is not intended to interfere with such relationships or to limit activities that are normally consistent with such relationships.

The District understands that adults may be involved in other roles in the community through civic, religious, family, athletic, scouting, private tutoring, or other organizations and programs whose participants may include District students. This policy is not intended to interfere with or restrict an adult's ability to serve in those roles; however, staff members are strongly encouraged to maintain



Professional Conduct Between Adults and

professional boundaries appropriate to the nature of the activity with regard to all youth with whom they interact in the course of their community involvement.

D. Appropriate Use of Email, Websites & Social Media

The District allows and supports the use of technology to communicate transparently and for legitimate educational purposes. As with all forms of communication, adults are expected to maintain professional boundaries with students when communicating via electronic communications and social media.

Staff or students may use approved educational websites if such sites are used solely for legitimate educational purposes.

1. Email Communication

All email communications from employees to students must be through a PPS-provided email address as described in the District's Acceptable Use Policy (8.60.40) and Social Media Administrative Directive 8.60.045-AD.

2. Social Media

District employees who wish to use social media as a tool to assist them in their professional duties must maintain separate accounts for professional and personal social media use and may follow or accept requests to connect from students only through their professional social media presence established consistent with the requirements set forth in the Social Media Administrative Directive 8.60.045-AD. Staff should have no expectation of privacy when communicating to students, including on a social media platform (e.g. Facebook, Twitter). Staff should not promise students absolute confidentiality in their communications.

3. Group Text Messages

The use of group text messaging has become a convenient tool for coaches and other staff working with students to relay information. District employees and third-party contractors shall use this method of communication only with both District approval and parental knowledge. Text messages to individual students [through District-approved platforms](#) shall contain only information with a legitimate educational purpose.

E. IN-PERSON INTERACTIONS

1. One-on-one meetings with students

There will be times when adults are alone with students to discuss legitimate educational issues, including discipline or academic performance, for example. When possible, adults should meet one-on-one with students in a public space, such as libraries, open classrooms, or in places observable by others, such as offices or classrooms with windows and unlocked, ajar doors. When supporting students with sensitive issues, as is common for staff such as counselors and social workers, it is appropriate to provide a private setting. To maintain transparency, it is also good practice to let others know when and where meetings with a student will occur.

2. Personal communication with students

Connecting with students and building rapport is an important component to the staff-student relationship, and adults should promote healthy relationships with all students.



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There are many times when a staff member's request for personal information is for a legitimate educational purpose. For example, personal reflection, relationships, or experiences are often part of a journaling exercise, and this policy is not intended to interfere with or impede this type of educational activity. It is appropriate for adults to check in with students about their well-being and/or whether they need any support with their school work. This policy does not prohibit that kind of healthy support of students.

If a student discloses information about the student's significant personal or family problems, adults are expected to seek guidance from appropriate resources such as their principal or school counselor, as needed.

Adults are also expected to bring their concerns to their supervisor's attention when they have reason to believe a student is or may be becoming overly attached to or interested in them or other staff.

3. Traveling with or transporting students

When transporting students to athletic events and other extracurricular activities, adults need to notify the District and the student's parent/guardian of the travel itinerary and may not transport students in a personal vehicle in a non-emergency situation without advance authorization by the District or as defined by the Coaches Handbook (<https://www.pilathletics.com/page/show/5161432-hs-coach-s-handbook>).

If an emergency situation arises that requires a staff member to transport a student without prior approval, the staff member shall alert a direct supervisor and the parent of the situation as soon as practicable.

When traveling out of town, staff must follow the procedure outlined in the Field Trips Administrative Directive (6.50.011-AD). Adults are prohibited from entering a student's hotel room without another adult present, except in an emergency.

4. Physical contact with students

Adults should not initiate any physical contact without a legitimate educational purpose including offering public greetings, positive acknowledgments, or responding to a crisis. There are times when adults have a legitimate educational purpose to initiate physical contact with a student, and noninvasive contact, such as "high fives" or fist bumps to acknowledge a job well done are fine. In other instances, adults may be required to assist an injured student or a student with special needs who requires physical assistance. Likewise, adults may need to touch a student's arms or hands to redirect them in an activity. Coaches, music teachers, and other instructors may have a need for physical contact as a method of instruction. Adults need to be aware of what kinds of physical contact with which a student is and is not comfortable and limit physical contact to only that which is necessary for a legitimate purpose. Any physical redirection of students must be pursuant to the District's Physical Restraint and Seclusion Administrative Directive 4.50.060-AD.

5. Respecting student privacy

Adults must honor a student's physical and emotional boundaries unless the interaction serves a legitimate educational purpose or is in response to an emergency.

Examples:

Physical Surroundings: Adults should not invade a student's privacy by entering a restroom,



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locker room, or other space where a student may not be fully clothed unless it falls within a staff member's regular job duties under an established written protocol, an emergency, or the staff needs to use the facility for a legitimate and intended purpose (e.g., if it is not practical due to distance and time constraints to use a staff-only restroom).

Personal Space: Adults should respect a student's private space and be conscious of a student's cultural and personal boundaries when communicating (e.g., adults should be conscious of standing too close to students when interacting with them).

6. Exceptions

An emergency or a legitimate educational purpose may justify deviation from professional boundaries set out in this policy. Adults shall be prepared to articulate the reason for any exception from the requirements of this policy and must demonstrate that an appropriate relationship was maintained with the student at all times. Adults must ensure that any exception is narrowly tailored to the circumstances and must report it to their supervisor within 24 hours.

BOUNDARY VIOLATIONS

A boundary violation is behavior or interaction by an adult in a position of power with a student that has no legitimate educational purpose, and has the potential to cause harm to the student.

A. Examples of boundary violations/prohibited conduct

Examples of conduct that violates professional adult/student boundaries in or outside of school hours include, but are not limited to, the following:

1. Any type of conduct, [verbal or nonverbal, which denigrates or shows hostility to a student or students by reason of their gender](#), that would be considered sexual harassment under the District's Non-Discrimination/Anti-Harassment Policy (1.80.020-P);
2. ~~1. Any type of conduct, including verbal or nonverbal conduct, or contact through written or electronic communications, which denigrates or shows hostility to a student or students by reason of their gender, that would be considered sexual harassment under the District's Non-Discrimination/Anti-Harassment Policy (1.80.020-P);~~
- ~~3.~~ 3.2. Any type of sexual harassment, including verbal or nonverbal conduct, or contact through written or electronic communications, with a student that is a demand or request for sexual favors in exchange for benefits; or any type of sexual contact that occurs with a student's consent because the student is under the influence of drugs or alcohol, is unconscious or is pressured through physical force, coercion or explicit or implied threats; or
- 4.
- ~~5.~~ 3. Having any sexual conduct, including verbal or physical conduct or contact through written or electronic communications, with a student that is a sexual advance or request for a sexual favor or is of a sexual nature and is directed toward the student or that has the effect of unreasonably interfering with the student's educational performance, or of creating an intimidating, hostile, or offensive educational environment;

a. Examples of this behavior include, but are not limited to, the following:



Professional Conduct Between Adults and

- 1) Engaging in a romantic or sexual relationship with a student;
- 2) Dating, flirting with, or propositioning a student;
- 3) Showing pornography to a student;
- 4) Discussing, writing, texting, transmitting, and/or displaying material to students about sexual topics unrelated to curriculum or a legitimate educational purpose;
- 5) Banter, allusions, jokes, or innuendos of a sexual nature with students;
- 6) Patting buttocks or touching other intimate parts of a student;
- 7) Permitting students to engage in behaviors with an adult that cross appropriate physical boundaries, e.g., allowing students to give shoulder massages to the adult or allowing students to sit on an adult's lap;
- 8) Singling out a particular student or students for favoritism, special privileges, or exchanging of gifts beyond the employee-student relationship;
- 9) Disclosing intimate or sexual matters to a student, unless necessary to serve a legitimate educational purpose.

~~6.4.~~ 6.4. Bullying or other violations of the District's Anti-Harassment Policy 4.30.060-P.

~~7.5.~~ 7.5. Favoring a student when its purpose is to meet the adult's personal needs rather than the student's needs;

~~8.6.~~ 8.6. Inviting individual students to the adult's home without parental notice and approval unless otherwise noted in "Exceptions" section of the policy;

~~9.7.~~ 9.7. Being in the company of students who are consuming alcohol, drugs, or tobacco without intervening and reporting the conduct to appropriate personnel;

~~10.8.~~ 10.8. Sending or accompanying a student on personal errands or travel unrelated to any legitimate educational purpose;

~~11.9.~~ 11.9. Telling a student to keep something secret from other adults;

~~12.10.~~ 12.10. Addressing students or permitting students to address adults with personalized terms of endearment, pet names, or otherwise in an overly familiar manner that may cross appropriate professional boundaries;

~~13.11.~~ 13.11. Giving a student a ride alone in a vehicle in a non-emergency situation; except as permitted under this policy and Field Trips 6.50.011-AD;

~~14.12.~~ 14.12. Engaging in prohibited social media and electronic communications between adults and students as defined by the District's Acceptable Use Policy (8.60.40) and Social Media Administrative Directive 8.60.045-AD.



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a) Examples of this behavior include, but are not limited to, the following:

- 1) District employees acting in their District capacity are prohibited from inappropriate online socializing with students, including phone calls, texting, skyping, instant messaging, or use of any other telecommunications method, or from engaging in any conduct that violates the law, District policies, or other generally recognized professional standards.
- 2) Adults shall not communicate with students, for any reason, through use of a medium, blog, or app (software or phone application) that is designed to eliminate all traces or records of the communication (e.g., Snapchat).
- 3) District employees and third-party contractors may not communicate with current students through social media directly or through private messaging tools without both written District approval and parental notice.

DUTY TO REPORT POSSIBLE VIOLATIONS

- A. Adults shall discuss with their building administrator or supervisor whenever they suspect or are unsure whether their conduct, or the conduct of other adults, is inappropriate or constitutes a violation of this policy. If the adult is dissatisfied with the response of the building administrator or supervisor, or does not feel comfortable discussing the situation with those individuals, they may bring it to the attention of the Chief of Human Resources. If the alleged behavior deals with harassment, intimidation, or bullying, the process in Policy 4.30.060-P should be followed. The District will investigate all complaints.

Any District employee who has reasonable cause to believe that another adult has engaged in sexual conduct as defined by Prohibition Against Employee Child Abuse and Sexual Conduct with Students 5.10.063-AD or sexual abuse as defined by statute shall immediately report this behavior to their school compliance officer and to the District Title IX Director. Additionally, any District employee or other mandatory reporter of abuse/neglect who has reasonable cause to believe that a child has been abused must promptly fulfill the mandatory reporting requirements to law enforcement and the Department of Human Services and report the allegation to their principal or supervisor.

District employees whose conduct violates this policy or who fail to report violations of this policy, may face discipline and/or termination, consistent with the District's policies and applicable collective bargaining agreements.

Violations of this policy by volunteers or contracted service providers may result in a prohibition from working or serving on District properties or with District students in school programs, or may result in contract cancellation. The District shall notify law enforcement of any potentially unlawful conduct, as appropriate.

- B. Student/Parent and Guardian Reporting

Students and/or parents/guardians are strongly encouraged to notify the principal or other appropriate administrator if they believe an adult may be engaging in conduct that violates this



Professional Conduct Between Adults and

policy.

CONFIDENTIALITY AND NON-RETALIATION

Staff members making a report of potential boundary violations or other prohibited conduct are specifically advised of the following:

1. They must directly notify a supervisor of the conduct;
2. They are required to maintain confidentiality; and
3. They are neither permitted to investigate nor responsible for investigating whether the conduct is inappropriate.

Confidentiality protects the student(s) as well as the adult who is the subject of the report. Failure to maintain confidentiality may impede the investigation and foster untrue and potentially harmful rumors. False reports are regarded as a serious offense and may result in disciplinary action or other appropriate sanctions.

The District prohibits retaliation against anyone who makes a good-faith report under this policy. Any District employee who retaliates against any complainant, reporter, or other participant in an investigation may be subject to discipline, up to and including dismissal.

TRAINING

The Superintendent or his/her designee shall develop an annual training for all staff and ensure ongoing review of procedures to support this policy.

Adopted 10/15/2019

State and Federal Sexual Harassment Changes to be Added to Existing Policies

I. Preview of Upcoming Changes/Proposals to Existing Board Policies

Policy/AD	Policy/AD Name	Student or Staff	Scope of Changes (major, minor)	Approx. Timeline for Committee Review	Lead/others who should participate	Remaining Questions or Concerns
1.80.020-P	Non-discrimination/ Anti-Harassment	All	Minor	3rd	Liane	Updated language
4.30.060-P	Anti-harassment	Student	Rescission recommended	3rd	Liane	
4.30.070-P	Teen Dating Violence/Domestic Violence	Student	Major revisions; HB 3077 (state) integration required	1st- need to develop draft/then work with Shanice on stakeholder engagement.	Liane	We have incorporated the process for addressing teen dating violence/DV but now need to align the policies to practice
4.50.051-P	Reporting of Suspected Child Abuse	Student	Minor	4th	Sharon/Amy	Should this be under students or staff? Appears to refer to good faith for staff but is nested under student policies
4.50.032-P	Formal Public Complaints	Student/Community	Completed	1st	Currently under review 11/20	Add info @ TIX complaints under <i>types of complaints</i> (4c) "health & safety"
5.10.030-P	Grievance Procedure - Sex Discrimination	Staff	Rescission recommend	1st	Mary (rescind)	Delete outdated policy (1976) Policy should be rescinded. Workplace harassment AD will provide procedure.
5.10.062-P	Sexual Harassment	Staff	Incorporate provisions into	1st	Mary	There is considerable overlap in the goals and expectations expressed in these two

	Staff to Student		the Professional Conduct Policy and then rescind		<p>policies and after review by legal and the Title IX Director, it is our recommendation that elements of the existing Sexual Harassment Policy be incorporated into the Professional Conduct Policy and thus, the Sexual Harassment-Staff to Student Policy be rescinded in its entirety.</p> <p>The Sexual Harassment- Staff to Student Policy was adopted in 1994 and has not been updated since that time. It does not contain the current definition of sexual (mis)conduct nor does it define sexual harassment except to assert that it is a form of discrimination. It includes an obligation to provide training to volunteers and employees and for the establishment of an effective complaint process which shall be referenced in the Student Handbook. It also includes a reporting requirement but only “any attempt by a student to establish an amorous or sexual relationship with a staff member or volunteer.”</p> <p>The policy defines sexual harassment as conduct, verbal or nonverbal, which denigrates or shows hostility to a student or students by reason of their gender and provides examples of gender bias.</p> <p>The Professional Conduct Policy provides clearer expectations of what constitutes prohibited conduct and offers specific examples of what constitutes sexual</p>
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					<p>conduct as it pertains to appropriate adult-student relationships. It alludes to sexual harassment in section (A)(1) of the boundary violations section but it is through reference to the District's non-discrimination policy 1.80.020-P.</p> <p>The current policy alludes to required training and reporting requirements; however, the language in the Professional Conduct is more comprehensive than that found in the Sexual Harassment policy. Training and reporting requirements are also covered the related administrative directive, Prohibition against Employee Child Abuse and Sexual Conduct Administrative Directive 5.10.063-AD.</p> <p>Specific changes to the Professional Conduct policy are proposed as follows:</p> <p>Add additional language to Boundary Violations section (A)(1) to include more specific examples of discrimination on the basis of sex. It could include "conduct, verbal or nonverbal, which denigrates or shows hostility to a student or students by reason of their gender" and the examples of gender bias found in the Sexual Harassment policy.</p> <p>Rewrite Boundary Violations section (A)(2) to more accurately define sexual harassment under state and federal law.</p>
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					<p>This may be a difficult needle to thread as the state and federal definitions do not align.</p> <p>Under Title IX, Sexual Harassment is defined under new federal regulations as s:</p> <ol style="list-style-type: none">1) Quid pro quo harassment;2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; and3) Sexual assault, dating violence, domestic violence, or stalking, as defined in federal laws. <p>Oregon defines Sexual Harassment to include:</p> <ol style="list-style-type: none">1) A demand or request for sexual favors in exchange for benefits;2) Unwelcome conduct of a sexual nature that is physical, verbal or nonverbal and that interferes with a student's educational program or activity or that creates an intimidating, offensive or hostile educational environment; and
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						<p>3) Assault when sexual contact occurs with a student's consent because the student is under the influence of drugs or alcohol, is unconscious or is pressured through physical force, coercion or explicit or implied threats.</p> <p>If the policy committee adopts this recommendation, we also suggest renumbering this section as the Professional Conduct policy 5.10.064-P currently follows the Prohibition against Employee Child Abuse and Sexual Conduct Administrative Directive 5.10.063-AD.</p>
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