

## **Agenda**

1. 4:00 pm - Introductions (5 minutes)
2. 4:05 pm - Staff Updates (0 minutes)
3. 4:05 pm - Items / Policies for Discussion - 2 hours 40 minutes
  - 3.(a) 4:05 pm - Climate Crisis Response (Aaron Presberg, Shanice Clarke) (90 minutes)
    - Discussion about newest draft, public engagement timeline
  - 3.(b) 5:35 pm -- 7.10.030-P District Foundation (Jonathan Garcia, Robyn Faraone) (60 minutes)
    - Staff discussion of community engagement
  - 3.(c) 6:35 pm - 5.50.020-P Liability of Employees of the District (Liz Large) (10 minutes)
4. 6:50 pm - Policies in Public Comment Period - 5 min.
  - 4.(a) 8.60.040-P Responsible Technology Use Policy (formally Computer Use Policy)
  - 4.(b) 4.50.032-P Complaint Policy
  - 4.(c) Anti-Harassment Policies
5. 6:50 pm - Public Comment - 10 min. *5 Two-Minute slots*  
*\*To sign-up for public comment*  
*email [PublicComment@pps.net](mailto:PublicComment@pps.net) or*  
*call Kara Bradshaw at 503-916-3906.*
6. 7:00 pm - Adjourn

# Climate Crisis Response Policy

Policy Committee Meeting  
June 2, 2021



# General Comments & Feedback

- Nutrition Services
  - Language seems too narrow for a policy. Can we make it more broad with room for creativity?
    - i.e. Create overarching carbon and/or waste reduction goals for NS and then have staff come up with implementation plan in AD
    - Goal 1.2 is a good example of high level language
- Purchasing
  - Language is very specific. Policies are more difficult to update. AD can be more easily updated and can best fit the needs that are ever changing in this district.
  - Anything related to purchasing of goods should only apply to centralized purchases over a certain dollar threshold.
- Transportation
  - Very supportive, but will need more funding for implementation
- Grounds
  - Worried about increased maintenance of grounds (will need more staff or more funding for contractors)

## Goal 1.1 (#8)

**Include infrastructure for reusable trays, utensils, and milk dispensers at new schools and add infrastructure for reusable trays and utensils in schools where feasible.**

- Nutrition Services
  - There are significant barriers to milk dispensers
  - Reusable trays and utensils required at elementary & middle schools only (high schools are open campus and only 25% of students eat school lunch)
  - Some sites do not have dishwashers (due to lack of space and/or electrical capacity).
  - NS would like this to be more broad (i.e. “NS will strive to reduce waste and single use plastics in the kitchen and cafeteria”)

**Include infrastructure to support sustainable practices in school nutrition programs, including reusable trays and utensils at closed-campus schools**

## Goal 1.2 (#2)

**Establish standardized systems for waste prevention, reuse, recycling, and food waste in all campuses.**

- Facilities Operations
  - Will need additional funds to purchase standard waste bins and signage district-wide
- Nutrition Services
  - Very supportive

## Goal 1.3 (#1)

**Maximize onsite stormwater infiltration capacity using techniques such as installing bioswales, rain gardens, de-paving projects, eco-roofs, and other stormwater management measures, in preparation for intense rain and potential flooding, while maintaining accessibility for those who use wheelchairs or need other walking assistance.**

- Grounds
  - Current bioswale contract would need additional funding to cover new sites, retrofits, and maintenance
    - Would also need to expand scope to help establish and maintain eco-roofs and other green infrastructure and stormwater management facilities.

# Goal 1.3 (#2)

## Phase out gas powered equipment used for grounds maintenance.

- Grounds
  - Limitations to electric leaf blowers
    - The batteries don't last long enough (90 minutes at full power)
    - 3x the cost (Gas models are \$500-700). Would need more funding.

## Goal 1.3 (#3)

**Decrease water consumption and phase out the use of pesticides and herbicides.**

- Grounds
  - All pesticides and herbicides used are on the EPA approved list.
  - If we phased out all chemicals, we would need funding to hire a larger crew or contract out.

## Goal 1.3 (#4)

**Increase shade trees, pollinator habitats, and de-pave projects, with highest priority in low-canopy neighborhoods.**

- Grounds
  - Will need additional staff and/or contract to take care of new trees
    - PPS Grounds currently waters 120 new trees
  - Pollinator habitats might need to be taken out of the policy due to health risks (attracting bees)

**Increase shade trees and de-pave projects, with highest priority in low-canopy neighborhoods.**

## Goal 1.4 (#2)

**Transition PPS and contracted vehicle fleet to electric or low emissions, renewable fuels, based on a vehicle life-cycle evaluation of carbon impact.**

- **Transportation**
  - Largest buses are diesel only and cannot be converted to propane or cleaner fuels at this time (could phase these out over time)
  - Contractors (First Student & STA) have both indicated interest in electric buses
  - Electric buses are 3-4x (\$225,000-\$300,000) the cost of a standard diesel or propane bus (\$75,000)

**Transition PPS and contracted vehicle fleet to electric or low emissions, renewable fuels, based on a vehicle life-cycle evaluation of carbon impact. Work with the federal government to defray costs of shifting towards electric vehicles.**

## Goal 1.4 (#3)

**Improve the “no idle” policy to lessen emissions for fleet vehicles, buses, and family cars at schools.**

- Transportation
  - Current policy for bus drivers: turn engine off if idling for more than 5 minutes
  - Currently no policy or education around parents idling in their cars.
    - Transportation could help fund signage and/or make educational videos.

**Educate families to lower idling by family cars at schools.**

## Goal 1.5 (#2)

**Purchase products based on long-term environmental and operating costs and include ecological and resulting social costs in purchasing decisions.**

- Purchasing
  - Hard to see how to operationalize that in a decentralized purchasing environment
    - Schools have their own budgets and purchase their own supplies
  - Could create scoring category in formal RFP for goods and services over \$150,000
  - We are part of regional and national purchasing agreements that solicit products at economies of scale on school districts' behalfs. We do not procure those items ourselves.
  - Would need funding for incremental costs

**Purchase products, where possible, based on long-term environmental and operating costs and include ecological and resulting social costs in large, centralized purchasing decisions. Work with purchasing networks to incorporate environmental concerns into their purchasing decisions.**

# Goal 1.5 (#3 - v.19)

**Implement a life-cycle analysis tool or criteria to evaluate and prioritize products based on durability, reusability, locally made, sustainably produced, biodegradable, responsibly packaged, recycled content, and non-toxic.**

- **Nutrition Services**
  - Add “where durables are not an option, other materials will be considered”
  - Might be tough for small/local supplier to support a large district (NS needs 10,000-20,000 servings each day)
- **Purchasing**
  - This would be very difficult to enforce and manage in a decentralized purchasing system (schools purchase their own supplies)
  - Recommend implementing this for larger contracts that require formal solicitation (maybe just for district-level Biz Ops contracts?)
  - A life-cycle analysis on a box of pencils would be too time intensive for such a small purchase

**Recommend to remove this item from policy**

# Goal 1.5 (new #3 - v.19 #5-6)

## Transition from virgin paper to maximum post-consumer recycled content paper goods.

- Purchasing
  - We could tell suppliers to only show recycled paper in their catalogs
    - Will have budget impacts to schools (cost can be 2-3x)
    - Potentially an equity issue here
      - Some schools spend a higher % of their budget on paper supplies
  - Recommend this topic to be part of the school engagement for their feedback
  - Purchasing department already went paperless during the pandemic
  - Feasible to implement across other central office departments
  - Probably not feasible in schools

## Reduce paper copying by transitioning to increased electronic communication.

# Goal 1.5 (#8 v.19)

## **Incorporate management of durable trays, utensils, collecting food scraps, and recycling into staff responsibilities**

- Nutrition Services
  - It's possible, but this will need to be negotiated with our union partners to shift specific job expectations (Custodial and Nutrition Services)

## Goal 2.1 (#4)

**Prioritize foods that are local, organic, seasonal, plant-based, minimally processed and/or minimally packaged, and lower embodied carbon while meeting requirements of the National School Lunch Program.**

- **Nutrition Services**
  - National School Lunch Program should be called “USDA Child Nutrition Programs” (there are multiple programs with different requirements)

**Where possible, prioritize foods that are local, organic, seasonal, plant-based, minimally processed and/or minimally packaged, with lower embodied carbon while meeting requirements of the USDA Child Nutrition Programs. Work with USDA to make nutrition programs more climate-friendly.**

## Goal 3.2 (#3)

**Provide annual training to custodians, kitchen staff, teachers, principals, and all school staff related to climate impacts and solutions relevant to their job, establish accountability, and integrate sustainable practices into each position.**

- Facilities Operations & Nutrition Services
  - Remove “establish accountability?”

**Provide annual training to custodians, kitchen staff, teachers, principals, and all school staff related to climate impacts and solutions relevant to their job, and integrate sustainable practices into each position.**

Questions & Comments?



# PPS Climate Crisis Response Policy 3.30.080-P V.19

In response to the human-caused climate crisis currently underway and the direct harm being done to our District, society, and planet, Portland Public Schools is committed to immediately mobilizing resources and taking action to restore a safe climate. To this end, the District commits to reducing greenhouse gas (GHG) emissions and minimizing other environmental impacts; improving our school communities' health and wellness; and building a culture of learning, responsibility, and sustainability centered on our values of racial equity and environmental justice.

The District shall prioritize efforts that have the largest environmental return on investment for immediate action, while integrating environmental sustainability into our curriculum and developing a culture of environmental stewardship throughout our organization. Other goals which have a lower impact and require major changes in infrastructure can be implemented over the longer term.

The District aims to educate and empower students to be leaders in creating a sustainable city and society. Our goal is for all students to be environmentally literate and to understand the connections between their daily actions and the environment by using the environment as a context for ~~meeting academic goals and civic action~~ meeting academic goals described in the Graduate Portrait.

Our two overarching goals are:

**Emissions Reduction and Resilience:** PPS will reduce its carbon emissions by 50 percent from 2010 levels by 2030 and reach net zero emissions by 2050 while making PPS systems more resilient to environmental impacts that are now unavoidable.

**Engagement and Preparedness:** All PPS staff and students will have opportunities to learn about and engage in climate solutions, climate change preparedness, and climate justice practices.

We will align our work with the U.S. Department of [Energy's Education's](#) Green Ribbon School Pillars. In accordance with those pillars, PPS is adopting the following goals.

## Pillar 1: Reduce Environmental Impact and Costs

**Goal 1.1: PPS will design, construct, and operate new schools and renovations that are energy-efficient and high-performance – conserving energy while reducing GHG emissions. The District will:**

1. Use appropriate industry standards (e.g. LEED Gold, Net-Zero ready) when designing new and modernized buildings.
2. Prohibit the installation of fossil fuel infrastructure (gas-fired equipment) in all new buildings from here on out. Phase out fossil fuel infrastructure (gas-fired equipment) in all existing buildings by 2050.

3. Increase energy efficiency and minimize the indirect use of fossil fuels.
4. Limit the amount of refrigerants used.
5. Transition to building materials that generate less carbon when produced and are more sustainable (e.g. green concrete).
6. Design buildings to recover quickly from climate impacts (fires, floods, landslides, heat).
7. Design, renovate, and construct new facilities to maximize resiliency to heat, smoke, flooding, and storms to protect district assets and provide community respite during climate related emergencies.
8. Include infrastructure ~~for reusable trays, utensils, and milk dispensers at new schools and add infrastructure for reusable trays and utensils in schools where feasible~~ to support sustainable practices in school nutrition programs, including reusable trays and utensils at closed-campus schools.

**Goal 1.2: PPS will maximize reductions in GHG emissions from district operations, maintenance, and facilities management. The District will:**

1. Maximize efficiency in fuel, electricity, and water use. Projects must advance current energy efficiency goals.
2. Establish standardized systems for waste prevention, reuse, recycling, and food waste in all campuses.
3. Minimize disposable materials and fully utilize all materials before disposal.

**Goal 1.3: PPS will maximize the carbon-absorbing potential of grounds and increase the ability of grounds to adapt to climate extremes. The District will:**

1. Maximize onsite stormwater infiltration capacity using techniques such as installing bioswales, rain gardens, de-paving projects, eco-roofs, and other stormwater management measures, in preparation for intense rain and potential flooding, while maintaining accessibility for those who use wheelchairs and other walking assistance.
2. Phase out gas powered equipment used for grounds maintenance.
3. Decrease water consumption and phase out the use of pesticides and herbicides.
4. Increase shade trees, pollinator habitats, and de-pave projects, with highest priority in low-canopy neighborhoods.
5. Study risk maps of district-owned sites and populations most vulnerable to climate impacts, and plan ADA accessible grounds improvements accordingly.

**Goal 1.4: PPS will minimize greenhouse gas emissions from student and staff transportation. The District will:**

1. Evaluate bus routes annually to improve route efficiencies and capacities.
2. Transition PPS and contracted vehicle fleet to electric or low emissions, renewable fuels, based on a vehicle life-cycle evaluation of carbon impact. Work with the state and federal government to defray costs of shifting towards electric vehicles.
3. ~~Improve the “no idle” policy to lessen emissions for fleet vehicles, buses, and~~ Educate families to lower idling by family cars at schools.
4. Establish incentives for staff to walk, bike, bus or telecommute, in order to reduce single-occupant car commuting.

**Goal 1.5: PPS will reduce the demand for new materials and resources, and procure materials, products, and services in a manner that integrates climate considerations, fiscal responsibility, and equity priorities. The District will:**

1. Where feasible, divest banking investments from fossil fuel industries.

2. Purchase products, where possible, based on long-term environmental and operating costs and include ecological and resulting social costs in large, centralized purchasing decisions. Work with purchasing networks to incorporate environmental concerns into their purchasing decisions.

~~Implement a life-cycle analysis tool or criteria to evaluate and prioritize products based on durability, reusability, locally made, sustainably produced, biodegradable, responsibly packaged, recycled content, and non-toxic.~~

~~Incorporate climate impact standards and climate justice standards in all purchases, contracts, and RFPs for services and goods.~~

~~5. Transition from virgin paper to maximum post-consumer recycled content paper goods.~~

~~6.3. Reduce paper copying by Transition transitioning to increased electronic communication for the District, (e.g., internal memos, pay stubs, HR paperwork, contracts, and agendas).~~

~~—Use bulk serving over single-use plastic packaging when possible.~~

~~7. Incorporate management of durable trays, utensils, collecting food scraps, and recycling into staff responsibilities.~~

~~7. Donate excess food that would otherwise be collected as food waste.~~

## Pillar 2: Improve Health and Wellness

**Goal 2.1: PPS will address climate-based impacts on health, safety, and wellness. The District will:**

1. Include climate change impacts as a risk in district asset management and assess district properties at risk of flooding, landslides, and wildfire-related problems.
2. In consultation with labor organizations, implement health and safety standards to ensure climate-safe work environment (protected from heat, smoke, and pollution).
3. Work with partners to promote safe routes to schools and invest in walk and bike infrastructure on school property.
4. Where possible, pPrioritize foods that are local, organic, seasonal, plant-based, minimally processed and/or minimally packaged, and with lower embodied carbon while meeting requirements of the USDA Child Nutrition National School Lunch Programs. Work with USDA to make nutrition programs more climate-friendly.~~improve~~

## Pillar 3: Provide Effective Environmental and Sustainability Education

**Goal 3.1: PPS will empower frontline communities to build resiliency from climate change induced stresses and support preparation for and recover from these events. The District will:**

1. Identify and monitor climate trends and impacts on district families, especially groups vulnerable to impacts of extreme heat and poor air quality.
2. Develop and distribute accessible and culturally appropriate communications to help families understand, prepare for, and respond to climate impacts such as heatwaves, smoke, heavy rain, and flooding. For families in areas susceptible to flooding or heat-island effect, provide targeted information and resources.
3. Host climate related emergency preparedness event(s) for students, staff, and teachers.

**Goal 3.2: PPS will empower all PPS ~~teachers and~~ staff as allies for a healthy climate. The District will:**

1. Identify climate considerations of various roles and add climate justice responsibilities to job descriptions.
2. Provide learning opportunities for all staff on key aspects of climate science/climate justice, and the mobilization needed to respond.
3. Provide annual training to custodians, kitchen staff, teachers, principals, and all school staff related to climate impacts and solutions relevant to their job, establish accountability and integrate sustainable practices into each position.

4. Review and remediate inadequate capacity and compensation for staff taking on extra responsibility for climate crisis response efforts.
5. Increase capacity of school and district staff to respond to climate-related crises to safeguard lives, health, facilities assets, and environment.
6. Provide school-based staff a Sustainability Leadership program. This District program allows for site-based staff, School Sustainability Leaders (SSLs), to support sustainability efforts at their schools and receive a small stipend for the additional required work. This program will develop a network of on-the-ground implementers that serve to rally school efforts and keep a pulse on what is working at each school.
7. Support all schools in working towards participating in the Oregon Green Schools certification program.

**Goal 3.3: With the help of BIPOC students and communities, PPS will develop curricular learning opportunities, so PPS graduates know the causes and consequences of climate change, understand climate justice, and have opportunities to practice climate solutions. The District will:**

1. Consider climate science and anti-racist climate justice content (that includes representation of people with disabilities) before approving new curricula and/or teaching materials.
2. Offer climate justice learning opportunities that are culturally relevant, solutions focused, designed to build a sense of personal efficacy, focusing on individual behaviors and understanding ways to make changes in bigger systems.
3. Increase workforce training in living-wage green jobs, with special opportunities for students from frontline communities.
4. Develop and deliver content to help students understand, prepare for and respond to likely climate change impacts, with special support and resources available to schools serving the most vulnerable populations.
5. Provide student opportunities to learn about the global food production system, its carbon impact, and related issues like hunger and food waste.

**Goal 3.4: PPS will create opportunities for students to engage in hands-on climate learning, preparation, and practice on a regular basis at all PPS schools. The District will:**

1. Support development of youth leadership and engagement opportunities around climate solutions.
2. Create meaningful opportunities for BIPOC and low-income communities to shape the development and implementation of climate related programs.
3. Support student-led climate justice, climate action, and climate resiliency initiatives.
4. Support student and staff participation in non-partisan advocacy to local, state, and federal jurisdictions for common sense climate policies.
5. Update school emergency response plans to address climate-related hazards, including flood, extreme heat, landslides, and wildfire. Plans should emphasize protecting and serving low-income populations, communities of color, and people with disabilities.
6. Treat the grounds and garden of each school as a learning space and involve students in nature-based grounds improvements and design.
7. Create annual District-level opportunities to exhibit student projects related to sustainability and climate action.
8. Support youth leaders in their ongoing and critical role in ensuring student engagement practices become standardized in District processes.

**To be moved to the resolution:**

6/1/21

## **Reporting and Communications**

**The Superintendent shall develop a plan to implement this policy. The plan shall establish metrics to evaluate progress on each of the above goals. The plan will include a communications strategy to:**

1. Communicate progress on the goals of the plan.
2. Share climate justice awareness materials (i.e., video, website) with staff and families.
3. Continually revise the effectiveness of the district's Climate Crisis Response Policy Administrative Directive as needed to reflect changing realities and innovations.
4. Transmit official copies of this policy and progress reports via the District Clerk to: The Superintendent, the State Superintendent of Education, the Oregon State Board of Education, the Congressional Climate Solutions Caucus, the Oregon School Board Association, our state and national representatives, and all district staff.

### **Climate Crisis Response Committee**

The Superintendent shall establish a Climate Crisis Response Committee (CCRC). The CCRC will include representatives from frontline communities, students, parents, teachers, scientists, administrators, businesses, environmental non-profits, and the PPS Climate Justice Committee. CCRC will provide regular progress reports to the School Board. A PPS administrative position will be created to help with implementation, monitoring and reporting.

# District Foundation & School-based Fundraising

Board Policy Committee

June 2, 2021



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# Our Approach

We believe that parent fundraising can be one of several ways to involve parents, businesses, and community members in our schools. Racial equity can be at the center of how we all operate, and we can improve on the current system.

We welcome Board and community input into how we can build a more equitable framework that genuinely welcomes all Portlanders who wish to contribute (time, ideas, resources) to a more excellent education for our students—rather than turning away philanthropists, volunteers, or thought partners.

Our state has chronically underfunded public education, and we must advocate for change at the political level; but we must also work together, creatively, to lift each other up rather than pitting groups against one another.



# PPS Strategic Partnerships & The Fund for PPS

Strategic Partnerships Department advances high-impact involvement and investment to create meaningful transformation for PPS school communities. This is the team that also supports the strategic priorities of the 501(c)(3) fundraising entity, The Fund for Portland Public Schools, which is led by its own Board of Directors. All of the team's work is in service of advancing the district's vision and emerging strategic plan, and utilizes the Racial Equity and Social Justice (RESJ) lens.

When the COVID-19 pandemic hit, impacting PPS students and families, this team *raised and distributed over \$1 million* via The Fund for PPS in direct support to PPS families.



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# District Foundation 7.10.030-P

Let me clarify up front that the policy in question, 7.10.030-P, was initiated to give permission for the district to establish a foundation. Attached is a redlined version that delineates the governance structure between the school district and the district foundation, The Fund for PPS. Therefore, we recommend the following revised 7.10.030-P District Foundation policy for the Policy Committee to put to a vote. In a moment, we will turn to the policy that would allow us to address school-based fundraising.



# Local School Foundations & Independents

## Affiliated LSFs - Under Financial Management of The Fund for PPS

The PPS Parent Fund requires a 33% contribution from schools on:

- monies above the first \$10,000 their affiliated local school foundations raise

## Independent School Foundations - 501(c)(3) Organizations

The PPS Parent Fund requires a 33% contribution from schools on:

- monies above the first \$10,000 independent school foundations raise *and* spend on FTE\*

*\*Note: We do not currently have data on total dollars raised and the only monies we can directly account for are the funds spent on staffing.*

### *PPS Parent Fund: Current Practice*

Grants from the PPS Parent Fund are awarded based on a two-criteria eligibility:

1. At least 40% students identified as Historically Underserved
2. At least 15% students eligible for free meals (Direct Cert.)

[In 2020 this resulted in awards to 53 schools and PPS programs.](#)

[In 2021 this resulted in awards to 61 schools and PPS Programs.](#)



New Guidelines	Incremental Improvements in Procedures
<p><b>LSFs and Independent Foundations must pay for actual position added, rather than the lowest paid staff.</b></p>	<p>Beginning 2021-22, School Administrators are responsible for ensuring that their school-based foundation dollars are paying for the <i>actual</i> FTE position that is being added to their staffing plan. This will ensure increased consistency and tracking of staffing positions supported by school-based foundation dollars.</p>
<p><b>Independents will need to pay before staffing costs are incurred, rather than an invoice at the end of the year.</b></p>	<p>Beginning 2022-23: Independent School Foundations will need to provide funding to cover staffing (FTE) <i>at the beginning of the school year</i>, rather than being invoiced at the end of the school year. The district is giving one-year's notice to the Independent School Foundations so they can plan accordingly for this change in financial practice.</p>
<p><b>Foundation funds should increase educational equity within school community.</b></p>	<p>Fall 2020: Created and shared a set of slides on Racial Equity and Social Justice as part of the asynchronous <a href="#">Local School Foundations Training</a>, which outlines how LSF dollars should be used to increase educational equity within their own school communities.</p>



# *Case Study: Bridlemile Foundation*

## *Using Parent-raised Dollars to Advance Equity*

We are aware that some schools are considering the impact of their school's fundraising on equity. Bridlemile Foundation is one example. Using the RESJ framework, as their new principal, Jerome Townsend worked in collaboration with the Bridlemile Foundation to develop a plan to fit their school's needs. While the percentage of historically underserved students is relatively low in the school, the principal is relying on these foundation dollars to add an instructional specialist to his staff in 2021-22 that will work with all classroom teachers to better serve students who are not meeting benchmarks.

**This is an example of how looking at aggregate data of student populations does not tell the whole story, and we have students in every school in PPS who need extra support, while we continue to work on system shifts on multiple fronts to address systemic inequities.**



# Data on Foundation Dollars

PPS Systems Planning and Performance has prepared some additional information for your review. They have taken school-level data used by the district for budgeting, and added the FTE positions funded by school-based foundations and PPS Parent Fund dollars.

The list of schools are sorted by type (K-5, K-8, MS, HS) and socio economic status as measured by Free Meals by Direct Certification.

On the last line of the table it shows that 42 FTE were paid for with school-based foundation dollars and the PPS Parent Funds.

While the schools with the lowest number of students qualified for free meals are also the schools who pay for the highest number of FTE with foundation funds, they are also the schools that receive the lowest dollars per student from the school district, in alignment with our commitment to racial equity and social justice.

Please see: [Budget Heatmap with Foundation FTE](#) in the Policy Committee meeting materials.



# Parent Groups & The Schools 7.10.020-P

Please note that 7.10.030-P District Foundation guides neither the spirit nor the operational aspects of parent fundraising that we believe are the focus of the community-proposed policy change.

Thus, we hope to begin a conversation about revising the policy that serves to guide parent fundraising in PPS: Parent Groups and the Schools 7.10.020-P, and recommend a community engagement process with a final policy recommendation coming to the Board in February 2022.



# Future Discussions for School-based Groups and Fundraising in PPS

Conduct a community engagement process to build on Portland's national reputation of advancing equitable procedures (e.g. PPS Parent Fund) for all school-based fundraising groups to follow, including applying the Racial Equity and Social Justice Lens. We drafted a starting point to discuss with a goal of a new policy before the Board by February 2022.



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**Examine the LSF Formula and Percentage to PPS Parent Fund**

**Racial Equity and Social Justice Lens**

Propose: After the first \$10,000 raised annually, a minimum of 40% of the amount expended on staffing deposited in PPS Parent Fund-- a 7% increase from current rate of 33%.

Apply the Racial Equity and Social Justice lens to identify the FTE that will increase educational equity in the school community.

Provide opportunities for the whole school community to be part of these discussions, especially those whom the educational equity programs are meant to benefit.

Include all who wish to participate, regardless of ability to pay. If the group hosts paid events, they shall provide at least 10% of the total anticipated admission tickets free of charge to the school office for families who wish to attend but for whom the ticket price is a barrier.

# Local School Foundations



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**REQUESTED:**

**Registration of ALL fundraising groups**

[REGISTRATION FORM](#)

February 2021: School administrators requested ALL groups fundraising in schools complete an annual registration, so that we can gain a broader understanding of philanthropic/private dollars in schools.

This simple registration requests basic information of all school-based fundraising groups (name, leadership names, basic financial information).

Provide opportunities for the whole school community to be part of these discussions, especially those whom the educational equity programs are meant to benefit.

Fundraising efforts should not subsidize a subset of students who also have to pay to participate in the program, e.g. subsidize travel out of the area where only students who can pay participate.

# Registration of all School-based Fundraising Groups



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# What are you willing to give- ideas, time, resources- so that every student in PPS has an inspired, excellent PK-12 public education?

The Spirit of Portland has shown us again and again that Portlanders overwhelmingly support public schools, from passing Bond measures to, yes, parent-led fundraising. Rather than turning away from good intentions, volunteerism, and financial support, we seek instead to increase the broader community's connection to our schools and its sense of responsibility for our students as they shape their futures. Just like our vision states, we must be "Grounded in the Spirit of Portland" if we're going to be able to have communities all over this city rally with a new sense of purpose.



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## June-Aug 2021

- Develop community engagement plan utilizing the district's Community Engagement Project Planning Tool
- Collect more data and administrator input

## Oct-Dec 2021

- Build collaborative proposals with key stakeholders
- Host 2-3 Community Engagement Meetings

## Jan-Feb 2022

- Share recommendations with the public for final input
- Present policy revisions to Board Policy Committee

# Timeline to Revise PPS Board Policy 7.10.020P Parent Groups & the Schools

## Portland Public Schools- PROPOSED REVISION

Code: DED  
Adopted: 9/09/02  
Orig. Code: 7.10.030-P

### District Educational Foundation

~~(The Board as no authority over the foundation as it is an independent entity)~~

**Purpose.** Portland Public Schools and the children that attend them have been generously supported by the Portland and broader community in many ways. A District Foundation provides a formal structure for raising, receiving, and administering donations to the District for special and general purposes. The primary purpose of the Foundation is the support of the District through the raising and distribution s of funds administered by the Foundation for additional supports and services to advance the mission, vision, and strategic plan for Portland Public Schools. ~~All private support not provided directly to the District shall be through the District Foundation or associated organizations[1][2][3][4].~~ It is the intent of the Board that the foundation be guided by priorities of equity, educational excellence, preservation of a strong public school system and support district wide implementation of the Oregon Educational Act for the 21st Century, district mission and goals. ~~Both the Board and the foundation board of directors will receive annual evaluations reports for all funded projects.~~

The District Foundation. The Board authorizes the establishment of a District Foundation. The District Foundation must submit to the Superintendent for review its Articles of Incorporation, Bylaws, and all other enabling documents. The Superintendent will notify the Board of the Foundation in writing of its recognition of the Foundation and will enter into a Memorandum of Understanding to assure ongoing compliance with this policy.

The Foundation will be incorporated as required under Oregon law and registered as a tax-exempt corporation under Section 501 of the Internal Revenue Code. Upon dissolution or withdrawal of recognition of the Foundation, the Foundation's net assets shall be distributed pursuant to its Articles of Incorporation.

Independence. The Foundation will be independent from the District. To assure independence, the Foundation's governing body, employees, and agents shall not be subject to control by the District or a District employee, nor shall it give the appearance that the District or any of its

employees control the Foundation or its property, including investment of gifts and endowments made to the Foundation. The Foundation will be operated in conformance with established district wide foundation principles and governed by a board of directors whose selection, membership, and functions will be set forth in the Foundation's by-laws **and which is separate from the District's board of directors.** No District employee may be a voting member of the board of the Foundation although the Superintendent must and other District employees may be *ex officio*, nonvoting members of the Foundation's board to monitor foundation activities.

The Foundation may not provide salaries, consulting fees, loans, perquisites, or other benefits to a District employee unless approved by the District Board of Education and provided through the District. The District may, however, ~~The foundation may also~~ enter into an operating agreement with the District Foundation for the use of District staff and services. |

The Foundation will be audited triennially by an external auditor chosen by the Foundation<sup>[5]</sup>, and this report will be provided to the Superintendent for review. The Foundation must also permit the Superintendent or his designee to inspect and audit all Foundation books and records and will provide reports of and information on its financial status and operations as required by the Superintendent. Annually, the Board of Education will invite the Foundation to provide a report for the previous year.

END OF POLICY

Legal Reference(s):

ORS 294.305 to -294.565

ORS 332.107

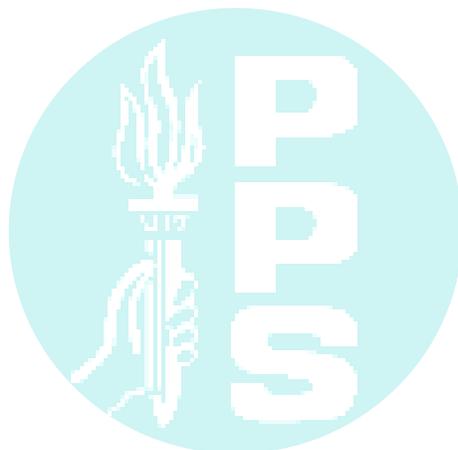
ORS 332.155

## 7.10.020-P Parent Groups And The Schools

Parent groups functioning in various support and communications capacities have made important contributions to Portland schools. The Board recognizes that the assistance of parent organizations in cooperation with the schools is necessary and desirable to achieve the goals established for the schools. The school principals, supervising administrators and the office of the superintendent shall regard as an important aspect of their work cooperation with parent organizations in order to assure the most effective liaison between such organizations and the schools in behalf of good education for Portland children.

Legal Reference: ORS 332.107

History: Adpt 6/71; Amd 9/9/02; BA 2422





## Liability of Employees of the District

DRAFT DATED 5/7/21

- (1) Defense in Civil Actions. Because the nature of the services required of employees of the ~~d~~District may expose them to claims based upon negligence or carelessness in the performance of their duties, the ~~D~~istrict shall provide liability insurance in amounts as may be determined from time to time for actions brought against its employees and/or the ~~d~~District, as described below.
- (2) ~~Conditions and Extent of Defense~~Notice of Claims. An employee shall promptly notify the Office of the Superintendent and the General Counsel that a civil action may be or has been brought against ~~him/her~~them in ~~his/her~~their official or individual capacity:
  - (a) Any claims related to action taken, work done, or omission in ~~his/her~~their official capacity, or in the course of ~~his/her~~their employment; or
  - (b) Any claims related to injuries to persons or property resulting from an occurrence involving any ~~d~~District property.
- (3) The ~~d~~District shall provide the employee with the defense authorized by the Oregon Tort Claims Act.
- (4) This assistance in legal litigation shall apply in litigation arising out of performance of the employee's professional duties whether or not the employee has left the employment of the ~~d~~District at the time the action is brought.

### 5. Expenses Incurred by an Employee when Claim is by a Governmental Entity or Professional Licensing Authority.

- (a) Expenses incurred by an employee not represented by a labor organization (Employee) in the defense of a Claim brought by a governmental entity or a professional licensing authority may be advanced or reimbursed by the ~~d~~District if the ~~d~~District, in its sole discretion, determines that the Claim arose out of the Employee's performance of official duties. Such advancement or reimbursement constitutes part of the Employee's official compensation package for purposes of ORS Chapter



## Liability of Employees of the District

DRAFT DATED 5/7/21

244. The dDistrict may decline to pay an Employee for any expenses incurred prior to the dDistrict's written commitment to provide such payment.

(b) Expenses shall be paid by the dDistrict in advance of the final disposition of a Claim at the written request of the Employee if:

(1) The dDistrict determines, in its sole discretion, that the conduct of such Employee was in good faith, and the Employee reasonably believed that such conduct was in the best interests of the district.

(2) The Employee furnishes the dDistrict a written undertaking to repay such advance to the extent it is ultimately determined by the dDistrict, in its sole discretion, that such Employee is not entitled to be indemnified by the dDistrict under this section or under any other indemnification rights granted by the dDistrict to such Employee.

Such advances shall be made without regard to the Employee's ability to repay such advances.

(c) If the District pays expenses in defense of a claim, the General Counsel shall have the exclusive authority to select counsel and to defend against any Claim. The General Counsel will consult with the Employee regarding any term of a settlement agreement that affects the legal rights of the Employee. Authority to settle claims against General Counsel shall be delegated to the Superintendent or ~~his~~ the Superintendent's designee.

(d) The dDistrict shall not pay for expenses under this section in the case of malfeasance in office or willful or wanton neglect of duty. The dDistrict may cease to advance or reimburse expenses upon a determination by the district, in its sole discretion, that an act or omission may constitute criminal conduct.

(e) The dDistrict may choose to advance or reimburse expenses to an Employee under a reservation of rights. An Employee shall cooperate fully with the district. If the district determines, in its sole discretion, that the Employee has not so cooperated or has otherwise acted to prejudice the defense of the Claim, the dDistrict may at any time terminate its obligation



## Board Policy

5.50.020-P

### Liability of Employees of the District

DRAFT DATED 5/7/21

to advance or reimburse expenses or proceed under a reservation of rights.

(f) The term "Claim" means any threatened, pending, or completed investigation, action, suit, or proceeding except one brought or made by the eDistrict.

(+) (g) This section shall not be deemed exclusive of any other rights to which an Employee may be entitled under any statute, agreement, general or specific action of the eDistrict or otherwise. Any repeal of this section shall only be prospective, and no repeal or modification shall adversely affect the rights under this section in effect at the time of the alleged occurrence of any action or omission to act that is the cause of any Claim.

Legal Reference: ORS 30.260 - 30.300 History: Adpt 6/71; Amd. 6/14/84; Amd. \_\_\_\_\_

# Portland Public School District 1<sup>st</sup> Reading

DATE OF FIRST READING: MAY 25, 2021

**PUBLIC COMMENT FOR**  
**Policy 8.60.040-P:**  
**Responsible Technology Use**  
**Policy**

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The Portland Public School District is providing Notice of Proposed Revised Policy and Public Comment to offer interested parties reasonable opportunity to submit data or comments on the proposed policies noted below.

Public comment may be submitted in writing directly to the district or through the district website noted below. Written comments must be submitted by 5:00pm on the Last Date for Comment listed below.

**Last Date for Comment: June 15, 2021**

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**Summary:** Responsible Technology Use Policy 8.60.040-P

**1<sup>st</sup> Reading by:** Rita Moore  
Portland Public School Board

**Recommended for a 1st Reading by:**  
Portland Public Schools Board of Education  
Policy Committee

**Draft Policy Web Site:** <https://www.pps.net/Page/11911>

**Contact:** Rosanne Powell, Senior Board Manager  
**Address:** P.O. Box 3107, Portland, OR 97208-3107  
**Telephone:** 503-916-3741  
**E-mail:** [schoolboard@pps.net](mailto:schoolboard@pps.net)



**PORTLAND PUBLIC SCHOOLS**  
**OFFICE OF TECHNOLOGY AND**  
**INFORMATION SERVICES**

501 North Dixon Street / Portland, OR 97227  
Telephone: (503) 916-3050

**Date:** May 14, 2021

**To:** School Board, Superintendent Guadalupe Guerrero

**From:** Don Wolff, Chief Technology Officer, Office of Technology & Information Services  
Dr. Travis Paakki, Senior Director, Office of Technology & Information Services

**Subject:** Staff Analysis Report to the Board- Policy Revision

**Policy# and Name:** 8.60.040-P

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## **I. BACKGROUND**

(History of the policy revisions, timing issues, legal updates. What is the reason for the revision?)

PPS created an Acceptable Use Policy (AUP) in 2007. At the time, computing devices were either in the hands of adults in the district or available in libraries and specialized labs. This policy and the subsequent revisions reflected the state of access to technology at the time of the creation of the AUP. Additionally, the policy aimed to be monolithic and encompass all aspects of technology access with an emphasis on restricted activities rather than a focus on responsible use.

The Responsible Use Policy (RUP) is a rewrite of the AUP, making it more succinct and streamlined, and removing extraneous detail and outdated technologies. Many specific technologies have been removed so that they may be addressed in detail in Administrative Directives.

## **II. RELATED POLICIES/BEST PRACTICES**

K-12 districts are moving away from single policies that attempt to encapsulate all the practices and procedures to higher-level policies that guide practice and serve to guide the development of Administrative Procedures and practices.

In keeping pace with peers, the Office of Technology & Information Services (OTIS) has significantly revised the AUP to the Responsible Use Policy (RUP). This change reflects the goals of the Enhancement of Learning and Productivity, Equitable and Inclusive Learning, and Student Safety. Instead of an inflexible, monolithic policy, the RUP now serves as a high-level framework that will allow Administrative Directives to guide practice in a way that is responsive to changes in tools, technology, laws and academic requirements.

Similar policies are found at LAUSD, Miami-Dade, Seattle Public Schools, and in Oregon ( David Douglas, Eugene, and Beaverton).

### **III. ANALYSIS OF SITUATION**

The AUP as it stands reflects both technologies that are no longer in use, and practices that can no longer be followed. The policy updates are required to reflect these changes.

### **IV. FISCAL IMPACT**

As this update does not reflect a change in responsibilities or requirements for OTIS, there is no financial impact.

### **V. COMMUNITY ENGAGEMENT**

The DSC Board representative was consulted on the changes to policy. Discussions with staff groups are pending.

### **VI. RACIAL EQUITY AND SOCIAL JUSTICE LENS**

1. How have you intentionally involved stakeholders who are affected by this policy, program, practice or decision? Is there support or opposition? Why?

There has been concern expressed over the language that staff and students should have “no expectation of privacy.” It should be noted that this language exists in the current AUP Administrative Directive and is not a new addition.

2. Does the proposed policy/AD address barriers to equitable outcomes?

The policy itself does not specifically seek to address these barriers, however, this statement was added to the policy purpose statement which will guide subsequent AD development:

Equity considerations will drive District decisions about the development, distribution, and use of Technology Resources in order to ensure equitable access for every user.

3. Describe how the policy/AD revisions critically examine and alter practices. The policy seeks to remove a long list of explicitly restricted behaviors and associated penalties; instead, referring those to vetted and well-developed policies for student and staff conduct.

### **VII. TIMELINE FOR IMPLEMENTATION/EVALUATION and COMMUNICATION PLAN**

How will the revisions be implemented? Timeline? How will progress be measured on goals? What is your communication plan to stakeholders after the policy is approved?

The goal is to have this policy in place for the beginning of the 2021-22 school year. Staff will draft an update to the administrative directive 8.60.040-AD that reflects the changes in technology highlighted in this policy.

**VIII. STAFF RECOMMENDATION**

Convey the specific recommendation on any and all of the options listed or overall recommendation regarding the revision.

Staff recommends that the previous Acceptable Use Policy 8.60.040-P be removed and replaced with the proposed Responsible Use Policy 8.60.040-P.

**I. I have reviewed this staff report and concur with the recommendation to the Board.**

Approved by Superintendent Direct Report, Don Wolff, Chief Technology Officer

Don Wolff

Signature 

Date May 18, 2021

**ATTACHMENTS**

*(List all supporting documentation, including resolution, etc.)*

- A.
- B.
- C.

**PPS District Priorities FY 2018-19**

1. *Set a clear Vision and Strategic Plan*
2. *Create equitable opportunities and outcomes for all students*
3. *Build management and accountability systems and structures*
4. *Allocate budget, funding and resources focused on improving outcomes for students*



## Board Policy

**8.60.040-P**

### Responsible Technology Use

#### I. Scope

The District provides access to District approved technology devices, networks, accounts, software, and internet-based resources (“Technology Resources”) in order to enhance the education of students. Technology Resources improve student communication and extend learning beyond the classroom walls while building digital citizenship skills. Students and staff accessing technology are expected to conduct themselves in a responsible, courteous, efficient, and legal manner as further outlined in this Policy.

The District must honor its commitments for student safety, and compliance with the law at the local, state, and federal levels which require investigation and monitoring of PPS physical and digital assets. Because these laws set forth the District’s responsibilities for providing for student safety, maintaining the integrity of its digital systems, and protecting District records, students and staff should have no expectation of privacy while using PPS systems.

#### II. Purpose

##### A. Enhancement of Learning and Productivity

District Technology Resources will be deployed and used for teaching and learning in District classrooms, comprehensive distance learning, professional and career development, and research and district-related administrative activities.

##### B. Equity and Inclusive Learning

Equity considerations will drive District decisions about the development, distribution, and use of Technology Resources in order to ensure equitable access for every user.

##### C. Student Safety

Technology Resources will be deployed and used in a way that fosters a culture of safety and respect for everyone. Social, emotional, and physical well-being are crucial to academic and professional success.

#### III. Responsible Deployment and Use of Technology Resources

A. Technology Resources will be deployed and used in compliance with applicable laws and other District policies.

B. Technology Resources will be deployed and used in a manner that supports the



### Responsible Technology Use

District purposes of learning and productivity, equity and inclusive learning, and a safe and respectful environment.

- C. The District will develop an Administrative Directive and acceptable use guidelines for users regarding the deployment and use of District Technology Resources, including access to Internet and social media, and regulation of use of District and personal electronic resources on District assets.

#### IV. Fostering Safety and Security of Users

##### A. No Expectation of Privacy

The safety and security of District Technology Resources is the shared responsibility of the District. The District may monitor, intercept, and review, without further notice, activities occurring on the District's Technology Resources. Users should have no expectation of privacy while using District Technology Resources.

The District shall establish protocols for review of activity.

##### B. Cyberbullying and Anti-harassment

District policies prohibiting harassment and bullying apply to the use of District Technology Resources. Technology Resources will not be used in a manner that may be construed by others as bullying, harassing or offensive. [link to anti-harassment policy]

##### C. Filtering Software

As a component of District Internet safety measures, all District-owned technology resources, including computer networks in all District facilities capable of accessing the Internet will use filtering software to restrict access to obscene, racist, hateful or violent material. However, the District cannot ensure that a student will never be able to access objectionable material.

##### D. Community-based Approach

While District staff will make reasonable efforts to supervise student access and use of Technology Resources, fostering the safety and security of students and staff requires a community-based approach.[link to digital citizenship guidelines]

#### V. Violations

- A. If a user violates District Policies, Administrative Directives, or guidelines for Technology Resources or Responsible Use, District staff will notify the Office of



**Responsible Technology Use**

Technology and Information Services.

- B. Violations may include discipline or other sanctions consistent with District Policies, Administrative Directives, guidelines, or Student's Rights and Responsibilities Handbook, up to and including expulsion or termination of employment.

**VI. Administrative Directive [\[hyperlink\]](#)**

Legal references: Children's Internet Protection Act, (CIPA); Children's Online Privacy Protection Act (COPPA); Family Educational Rights and Privacy Act (FERPA); ORS 336.184 Oregon Student Information Protection Act; ORS 646A.600 Oregon Consumer Information Protection Act.

OSBA: IIBGA

History: Amd 5/\_/21

## 8.60.040-P ~~Computer Use~~ **B**

**0**

### ~~I. Electronic Communications Network~~

~~The district has established PPSNet, an electronic communications network~~ **A**

~~(network) for electronic communication and access to, and use of, the World Wide Web. Use of the network for access and development on the World Wide Web, e-mail, chat rooms and other forms of direct electronic communication is~~ **R**

~~intended for educational and administrative purposes.~~ **D**

### ~~II. Definitions~~

~~(1) Educational and administrative purposes includes use of the network for teaching and learning in district classrooms, professional and career development, research and district-related administrative activities.~~ **P**

### ~~III. Responsibilities~~ **0**

~~(1) The superintendent or designee will manage the district network.~~ **L**

~~(2) Each building principal or designee will be responsible to coordinate building level activities, including appropriate computer training for the use of the network, supervision of the use of the network, and enforcement of all computer-use policies in compliance with this policy.~~

~~(3) The superintendent or designee is authorized to develop administrative directives and other guidelines for the use of the network that are in compliance with the Children's Internet Protection Act (CIPA), this policy and all other district policies. These regulations include but are not limited to acceptable use regulations, setting network account limits, network security and World Wide Web guidelines.~~

~~(a) The administrative directives shall be consistent with sound guidelines as may be provided by the education service districts, the Oregon Department of Education and/or the Government Standards and Practices Committee and will include a complaint procedure for reporting violations.~~

### ~~IV. Access to Network~~

~~(1) \_\_\_\_\_ The network, including hardware, software and data, is for the use of district students, employees, Board members and others with permission from the superintendent or designee. The district may determine the extent to which students at their respective grade levels are granted access to the network.~~

~~(2) \_\_\_\_\_ Use of any electronic communication service provided by the district is conditioned upon acceptance of all guidelines found within this policy, as well as any administrative directive or other official regulation~~

## ~~8.60.040-P Computer Use~~

~~relating to computer use and acceptable use by employees and students.~~

~~(3) District employees and students shall take reasonable precautions to prevent others from using their accounts. Passwords are issued to district employees and students and shall not be provided to any other person. District employees and students shall not allow another to use their password or use another person's password to access the network.~~

### ~~V. Internet Safety~~

~~(1) In accordance with the Children's Internet Protection Act (CIPA), the Board authorizes staff to implement and operate technology protection measures, including filtering devices, specifically, in accordance with CIPA.~~

~~(a) The district will prohibit access by minors to inappropriate material on the internet and World Wide Web, as defined by CIPA, through the use of filtering devices. Inappropriate access for minors includes materials that are obscene, child pornography or other material harmful to minors.~~

~~(b) The district will enforce the safety and security of minors when using electronic mail, chat rooms and other forms of direct electronic communications (e.g., instant messaging services).~~

~~(c) Unauthorized access, including so-called hacking and other unlawful activities, by district employees or students online is prohibited.~~

~~(d) Unauthorized disclosure, use, and dissemination of personal identification information regarding minors are prohibited.~~

### ~~VI. Violations~~

~~(1) All disciplinary procedures will be conducted in accordance with federal law, state law, applicable Board policies and administrative directives and, where applicable, appropriate collective bargaining agreements.~~

~~(2) Failure to abide by district policies and administrative directives governing use of the network may result in the suspension or revocation of network access. Additionally, student violations may result in discipline up to and including expulsion. Employee violations may result in discipline up to and including dismissal. Fees, fines or other charges may also be imposed. When applicable, sanctions will be in accordance with the appropriate collective bargaining agreement. Violations of the law will be reported to law enforcement officials.~~

~~8.60.040-P Computer Use~~~~VII. District Web Site~~

~~(1) In addition to the purposes set forth in this policy regarding educational and administrative purposes, the purposes of the district's Web site include providing information about the district and functioning as a district communication tool.~~

~~(2) All Web content shall be consistent with the purposes for which the computer network was created.~~

~~(3) All district information shall reside at the domain pps.k12.or.us. Material hosted at other domains or by outside Internet service providers is not to be construed as official district information.~~

~~(4) The superintendent or designee will designate a Web manger to oversee management of the district's Web site. See administrative directive District Web Site 8.60.043-AD.~~

~~(5) Schools may establish Web content within the district Web site. Content and management of those pages shall conform to the administrative~~

~~directive District Web Site 8.60.043-AD.~~

~~(6) Departments and other district units, including schools or programs, may establish Web pages or other Web content within the district Website. Content and management of those pages shall conform to the administrative directive District Web Site 8.60.043-AD.~~

~~(7) With the approval of the building principal or department director, school-related organizations such as classes, curricular clubs or PTAs may establish Web pages. Content and management of such pages shall conform to the administrative directive District Web Site 8.60.043-AD.~~

~~VIII. Limitations of Liability and Indemnification~~

~~(1) The district makes no warranties of any kind, either express or implied, that the functions or services provided by or through PPSNet will be error-free or without defect. The district is not responsible for any damage the user may suffer, including but not limited to loss of data or interruptions in service. Furthermore, the district is not responsible for the accuracy or quality of information obtained through or stored on PPSNet.~~

~~(2) The district is not responsible for financial obligations arising through the use of PPSNet unless the district has agreed to the obligation before it is incurred.~~

~~Legal References: ORS 30.765; ORS 163.435; ORS 164.345; ORS 164.365; ORS 167.060; ORS 167.065; ORS 167.070; ORS 167.080; ORS 167.087; ORS 167.090; ORS 167.095; ORS Chapter~~

# 8.60.040-P Computer Use

~~192; ORS 332.107; ORS 336.222; ORS 33.9250; ORS 339.260; ORS 339.270; OAR 581-021-0050;~~

~~OAR 581-021-0055; OAR 584-020-0040; OAR 584-020-0041; Children's Internet Protection Act, 47~~

~~U.S.C. Section 254 (h) and (l); 47 CFR Section 54,520 (2001); Copyrights, Title 17, as amended. United States Code; 19 CFR Part 133 (2000); Oregon Attorney General's Public Records and Meetings Manual pp. 22-24, Appendix H, Department of Justice (1999); Drug-Free Schools and Communities Act of 1986 P.L. 99-570 20 U.S.C. Section 7105; Drug-Free Workplace Act of 1988.~~

~~P.L. 100-690, Title V, Subtitle D, Sections 5151-5160, 102 Stat. 4305-4308; Controlled Substances Act, 21 U.S.C. Section 812, schedules I through V, 21 CFR 1308.11-1308.15 (2000). Drug-Free Schools and Communities Act Amendments of 1989, P.L. 101-226, 103 Stat. 1928 et. seq.; Americans with Disabilities Act of 1990, 42 U.S.C. Sections 12101-12243, 29 CFR Part 1630 (2000); 28 CFR Part 35 (2000); Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232g; 34 CFR Part 99 (2000).~~

History: **P**

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**D**



## 8.60.040-P Computer Use

### I. Electronic Communications Network

The district has established PPSNet, an electronic communications network (network) for electronic communication and access to, and use of, the World Wide Web. Use of the network for access and development on the World Wide Web, e-mail, chat rooms and other forms of direct electronic communication is intended for educational and administrative purposes.

### II. Definitions

- (1) *Educational and administrative purposes* includes use of the network for teaching and learning in district classrooms, professional and career development, research and district-related administrative activities.

### III. Responsibilities

- (1) The superintendent or designee will manage the district network.
- (2) Each building principal or designee will be responsible to coordinate building-level activities, including appropriate computer training for the use of the network, supervision of the use of the network, and enforcement of all computer-use policies in compliance with this policy.
- (3) The superintendent or designee is authorized to develop administrative directives and other guidelines for the use of the network that are in compliance with the Children's Internet Protection Act (CIPA), this policy and all other district policies. These regulations include but are not limited to acceptable-use regulations, setting network account limits, network security and World Wide Web guidelines.
  - (a) The administrative directives shall be consistent with sound guidelines as may be provided by the education service districts, the Oregon Department of Education and/or the Government Standards and Practices Committee and will include a complaint procedure for reporting violations.

### IV. Access to Network

- (1) The network, including hardware, software and data, is for the use of district students, employees, Board members and others with permission from the superintendent or designee. The district may determine the extent to which students at their respective grade levels are granted access to the network.
- (2) Use of any electronic communication service provided by the district is conditioned upon acceptance of all guidelines found within this policy, as well as any administrative directive or other official regulation

## 8.60.040-P Computer Use

relating to computer use and acceptable use by employees and students.

- (3) District employees and students shall take reasonable precautions to prevent others from using their accounts. Passwords are issued to district employees and students and shall not be provided to any other person. District employees and students shall not allow another to use their password or use another person's password to access the network.

### V. Internet Safety

- (1) In accordance with the Children's Internet Protection Act (CIPA), the Board authorizes staff to implement and operate technology protection measures, including filtering devices, specifically, in accordance with CIPA.
  - (a) The district will prohibit access by minors to inappropriate material on the internet and World Wide Web, as defined by CIPA, through the use of filtering devices. Inappropriate access for minors includes materials that are obscene, child pornography or other material harmful to minors.
  - (b) The district will enforce the safety and security of minors when using electronic mail, chat rooms and other forms of direct electronic communications (e.g., instant messaging services).
  - (c) Unauthorized access, including so-called hacking and other unlawful activities, by district employees or students online is prohibited.
  - (d) Unauthorized disclosure, use, and dissemination of personal identification information regarding minors are prohibited.

### VI. Violations

- (1) All disciplinary procedures will be conducted in accordance with federal law, state law, applicable Board policies and administrative directives and, where applicable, appropriate collective bargaining agreements.
- (2) Failure to abide by district policies and administrative directives governing use of the network may result in the suspension or revocation of network access. Additionally, student violations may result in discipline up to and including expulsion. Employee violations may result in discipline up to and including dismissal. Fees, fines or other charges may also be imposed. When applicable, sanctions will be in accordance with the appropriate collective bargaining agreement. Violations of the law will be reported to law enforcement officials.

## 8.60.040-P Computer Use

### VII. District Web Site

- (1) In addition to the purposes set forth in this policy regarding educational and administrative purposes, the purposes of the district's Web site include providing information about the district and functioning as a district communication tool.
- (2) All Web content shall be consistent with the purposes for which the computer network was created.
- (3) All district information shall reside at the domain pps.k12.or.us. Material hosted at other domains or by outside Internet service providers is not to be construed as official district information.
- (4) The superintendent or designee will designate a Web manger to oversee management of the district's Web site. See administrative directive District Web Site 8.60.043-AD.
- (5) Schools may establish Web content within the district Web site. Content and management of those pages shall conform to the administrative directive District Web Site 8.60.043-AD.
- (6) Departments and other district units, including schools or programs, may establish Web pages or other Web content within the district Web site. Content and management of those pages shall conform to the administrative directive District Web Site 8.60.043-AD.
- (7) With the approval of the building principal or department director, school-related organizations such as classes, curricular clubs or PTAs may establish Web pages. Content and management of such pages shall conform to the administrative directive District Web Site 8.60.043-AD.

### VIII. Limitations of Liability and Indemnification

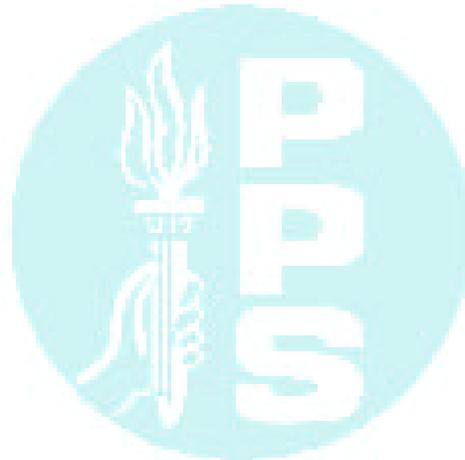
- (1) The district makes no warranties of any kind, either express or implied, that the functions or services provided by or through PPSNet will be error-free or without defect. The district is not responsible for any damage the user may suffer, including but not limited to loss of data or interruptions in service. Furthermore, the district is not responsible for the accuracy or quality of information obtained through or stored on PPSNet.
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Legal References: ORS 30.765; ORS 163.435; ORS 164.345; ORS 164.365; ORS 167.060; ORS 167.065; ORS 167.070; ORS 167.080; ORS 167.087; ORS 167.090; ORS 167.095; ORS Chapter

## 8.60.040-P Computer Use

192; ORS 332.107; ORS 336.222; ORS 33.9250; ORS 339.260; ORS 339.270; OAR 581-021-0050; OAR 581-021-0055; OAR 584-020-0040; OAR 584-020-0041; Children’s Internet Protection Act, 47 U.S.C. Section 254 (h) and (l); 47 CFR Section 54,520 (2001); Copyrights, Title 17, as amended. United States Code; 19 CFR Part 133 (2000); Oregon Attorney General’s Public Records and Meetings Manual pp. 22-24, Appendix H, Department of Justice (1999); Drug-Free Schools and Communities Act of 1986, P.L. 99 570 20 U.S.C. Section 7105; Drug-Free Workplace Act of 1988. P.L. 100-690, Title V, Subtitle D, Sections 5151-5160, 102 Stat.4305-4308; Controlled Substances Act, 21 U.S.C. Section 812, schedules I through V, 21 CFR 1308.11-1308.15 (2000).Drug-Free Schools and Communities Act Amendments of 1989, P.L. 101-226,103 Stat. 1928 et. seq.; Americans with Disabilities Act of 1990, 42 U.S.C. Sections 12101-12213, 29 CFR Part 1630 (2000); 28 CFR Part 35 (2000); Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232g;34 CFR Part 99 (2000).

History:



# Portland Public School District 1<sup>st</sup> Reading

**DATE OF FIRST READING: May 25, 2021**

## **PUBLIC COMMENT FOR**

### **Policy 4.50.032-P: Complaint Policy**

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The Portland Public School District is providing Notice of Proposed Revised Policy and Public Comment to offer interested parties reasonable opportunity to submit data or comments on the proposed policies noted below.

Public comment may be submitted in writing directly to the district or through the district website noted below. Written comments must be submitted by 5:00pm on the Last Date for Comment listed below.

**Last Date for Comment: June 15, 2021**

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**Summary:**                    **Complaint Policy 4.50.032-P**

**1<sup>st</sup> Reading by:**        **Rita Moore**  
Portland Public School Board

**Recommended for a 1st Reading by:**  
Portland Public Schools Board of Education  
Policy Committee

**Draft Policy Web Site:** <https://www.pps.net/Page/11911>

**Contact:**        **Rosanne Powell**, Senior Board Manager  
**Address:**        P.O. Box 3107, Portland, OR 97208-3107  
**Telephone:**    503-916-3741  
**E-mail:**            [schoolboard@pps.net](mailto:schoolboard@pps.net)



**PORTLAND PUBLIC SCHOOLS  
OFFICE OF General Counsel**

501 North Dixon Street / Portland, OR 97227  
Telephone: (503) 916-3274

**Date:** May 24, 2021  
**To:** School Board  
**From:** Liz Large, Contracted General Counsel  
Mary Kane, Senior Legal Counsel  
**Subject:** Staff Analysis Report to the Board- Policy Revision  
**Policy # and Name:** 4.50.032-P Complaint Policy

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**BACKGROUND**

PPS undertook a major revision of this policy in 2018 to better align with our state obligations for addressing student and family complaints. Since that time, the Complaint Coordinator has been receiving feedback from families and community members about their experiences with the complaint process. As a result of this feedback, staff identified some language in the policy that has confused our community and requested the Board Policy Committee revisit this policy to address some of these concerns and to provide greater clarity for complainants and staff in the process.

**RELATED POLICIES/BEST PRACTICES**

The District is committed to maintaining strong relationships with our families and our community. This 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.

**ANALYSIS OF SITUATION**

Staff asked for specific revisions related to supports for complainants as the current policy doesn't articulate what is available. They recommended that the availability of translation services and assistance with completing the complaint be written into the policy and that it clarify that legal services are not available to complainants. They also asked that the reference to the Ombudsman be removed as that position had been eliminated. Staff also recommended several text revisions to simplify language used without changing the meaning.

In addition to these requested edits, the Policy Committee made a number of additional changes to provide more guidance on, for example, who could file a formal complaint with the District, the specific type of complaints that could be made against the Superintendent, and the expectation for Board member action (and notice from staff) when a complaint is pending.

The revised policy provides clearer expectations to the community and staff on what the formal complaint policy will address and how the District can support complainants through the process.

### **FISCAL IMPACT**

These changes will incur no financial impact.

### **COMMUNITY ENGAGEMENT**

In fall 2020, the Policy Committee began exploring revisions to the formal complaint policy. Although staff had been receiving input from complainants on their experience with the process since its revision in 2018, the Policy Committee requested a broader review of community experiences. In partnership with the Systems and Performance team, the Committee engaged in a first step with the community engagement process to obtain feedback and help inform the revisions.

The PPS Research and Evaluation team invited complainants who filed a formal complaint between 2014 and 2020 to complete the Formal Complaint Feedback Survey. This survey had a 27% response rate. The Committee asked for additional feedback from former complainants, but the Research and Evaluation team did not believe this would prove an effective effort to obtain additional information during pandemic conditions. Additional community engagement is planned for Fall 2021. The survey is attached to this report.

### **RACIAL EQUITY AND SOCIAL JUSTICE LENS**

A review of the total number of formal complaints filed since 2014 reveals that White families access the District's formal complaint process in vastly disproportionate numbers at the initial Step1 process, but the racial/ethnic distribution is not consistent at all three of the formal complaint steps. While some racial diversity was observed among the complainants who accessed this service during recent years, it is likely that barriers exist for historically underserved and non-White populations. The proposed revisions to the policy do not reduce the availability of translation/interpretation services and assistance in completing complaints, which remain an important part of making the process more available to a more diverse community. District staff continues to work on other process improvements outside of the policy arena to make complaint resolution and access to the formal complaint process more accessible, transparent, and approachable.

**TIMELINE FOR IMPLEMENTATION/EVALUATION and COMMUNICATION PLAN**

Many of the supports now identified in the policy have been available to complainants and so there is no additional time needed to put an implementation plan in place. Staff will develop a communication plan within the month to disseminate the policy to our community. Staff will also continue to work on internal processes and training to provide opportunities to address concerns early and to enhance the effectiveness of and experience for families with the complaint process.

**STAFF RECOMMENDATION**

Staff recommends approval of the revised policy.

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*As a member of the PPS Executive Leadership Team, I have reviewed this staff report.*

\_\_\_\_\_ *(Initials)*

ATTACHMENTS

- A. 4.50.032-P Complaint Policy Draft
- B. 4.50.032-P Complaint Policy Redlined Draft



## Complaint Policy

4.50.032-P

DRAFT 5/22/2021

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 community liaison ([hyperlink](#))~~[Family Resource Coordinator]~~, who can help families access information, connect with District staff, and help resolve concerns.

We also make available to PPS students, families, and all who reside within the PPS District a Formal Complaint process. This policy and the accompanying administrative directive 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. The District will work to resolve complaints quickly and in compliance with state law.

~~[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 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, the District encourages members of the community to attempt to resolve concerns should be resolved informally through 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. (hyperlink) The Board intends that eThe 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; Formal Complaints; Annual reports; Transparency and aAccessibility; 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. **Formal 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~~

- ~~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 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 dDistrict staff in the implementation of on how to handle formal complaints under their policy, as well as and the administrative directive 4.50.031-AD[insert number here]. Since~~
- ~~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, and district responses, as well as an assessment of the functioning of the formal complaint process.~~
- ~~E. A full explanation of the complaint procedure, including all forms, shall be available at the dDistrict's administrative office and on the home page of the dDistrict'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) Discrimination in education~~
- ~~h) Retaliation against a student or parent/guardian~~
- ~~i) 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 ~~a~~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 FORMAL 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.~~
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.

4. PPS accepts confidential anonymous formal complaints concerning Division 22 matters by email at [anonymouscomplaints@pps.net](mailto: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.

#### 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.~~ 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~~. 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](mailto: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 eComplaints about Sexual Conduct and Sexual Discrimination should be directed to , complainants should contact the Title IX Department [here](#).~~

~~For eComplaints 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 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.~~~~
- ~~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 representative assigning staff to investigate and respond to a complaint 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** ~~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. ~~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 about the topic of a complaint or independently investigate allegations in the complaint once they have notice that a formal complaint has been filed ~~or independently investigate allegations in the complaint~~. District staff will regularly notify Board members about new formal complaints that are filed.

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

Any complaint about alleged individual misconduct by the Superintendent (but not District action for which the Superintendent may have ultimate responsibility as the chief executive officer of the District) shall be ~~reviewed~~ overseen 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) 581-002-00~~0540~~.

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-ith-~~ ~~complaint-~~ ~~with-~~ and the Department of Education ~~at the same time.~~

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

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**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

**4.50.032-P**

### Formal Public Complaints

Portland Public Schools recognizes students, parents/guardians, and the broader community as essential partners in the educational process. These important partners must have the opportunity to make their concerns known to the 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 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 complaints be resolved as expeditiously 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 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 to members of the school community in a manner that is accessible and user-friendly, and to provide training for building administration and designated district staff in the implementation of the policy and administrative directive. Since 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 the functioning of the process.

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 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 district, whichever is later.
- B. The time limitations for bringing formal complaints may be extended by the District for complaints concerning 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 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.
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

### 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 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 each concern raised and the reason for the decision and provide the 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 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 complainant may submit additional written information to the Board and may provide testimony during public comment. 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) and OAR 581-002-0040.

## **C. Anonymous Complaints**

PPS accepts confidential anonymous complaints by email at [anonymouscomplaints@pps.net](mailto: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.

## **D. Other provisions**

1. [Translation and interpretation services](#) are available to complainants.
2. The District will provide resources for complainants who request assistance in preparing a written complaint. [REQUEST ASSISTANCE](#)
3. The Superintendent 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 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 involved in the complaint. The Board will not hear complaints against employees in a session open to the public unless an employee requests an open session.
7. If the district fails to meet the timelines set forth in this process, 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 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 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.

#### **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**

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 district or a person who resides in the district, may appeal a final decision by the district to the Deputy Superintendent of Public Instruction as outlined in Oregon Administrative Rule (OAR) 581-002-0040.

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 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 to filing it with the Department of Education.

Adopted 11/2014; Amended 6/12/18

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#### **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](#)

# Portland Public School District 1<sup>st</sup> Reading

**DATE OF FIRST READING: May 25, 2021**

## **PUBLIC COMMENT FOR Policy 1.80.020-P: Non-discrimination/Anti- Harassment Policy**

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The Portland Public School District is providing Notice of Proposed Revised Policy and Public Comment to offer interested parties reasonable opportunity to submit data or comments on the proposed policies noted below.

Public comment may be submitted in writing directly to the district or through the district website noted below. Written comments must be submitted by 5:00pm on the Last Date for Comment listed below.

### **Last Date for Comment: June 15, 2021**

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**Summary: Non-discrimination/Anti-Harassment Policy 1.80.020-P**

**1<sup>st</sup> Reading by: Rita Moore**  
Portland Public School Board

**Recommended for a 1st Reading by:**  
Portland Public Schools Board of Education  
Policy Committee

**Draft Policy Web Site:** <https://www.pps.net/Page/11911>

**Contact:** Rosanne Powell, Senior Board Manager  
**Address:** P.O. Box 3107, Portland, OR 97208-3107  
**Telephone:** 503-916-3741  
**E-mail:** [schoolboard@pps.net](mailto:schoolboard@pps.net)



## PORTLAND PUBLIC SCHOOLS

### OFFICE OF General Counsel

501 North Dixon Street / Portland, OR 97227

Telephone: (503) 916-3274

**Date:** May 18, 2021

**To:** School Board

**From:** Liz Large, Contracted General Counsel  
Mary Kane, Senior Legal Counsel

**Subject:** Staff Analysis Report to the Board- Policy Revision and Rescission

**Policy # and Name:** 1.80.020-P Non-Discrimination/Anti-Harassment Policy  
4.30.060-P Anti-Harassment Policy  
4.30.070-P Teen Dating Violence/Domestic Violence Policy  
5.10.030-P Grievance Procedure-Sex Discrimination  
5.10.062 Sexual Harassment-Staff to Student  
5.10.060-P Workplace Harassment Policy  
5.10.064-P Professional Conduct Policy

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### I. BACKGROUND

There have been a number of recent statutory revisions addressing harassment, including sexual harassment, in the workplace and within the educational setting. As we endeavored to incorporate the new requirements into our policies, we realized that this was an opportune time to organize these policies in a way that may provide ease of use for our students and staff. In some instances, policies were joined where there was overlap in content and focus. Other policies were out of date and had been replaced by other policies that were current with state law. A few policies required only that we update the definition of sexual harassment to align with current law.

### II. RELATED POLICIES/BEST PRACTICES

It is best practice to review policies regularly to determine whether they reflect current laws and practices. It is also best practice to provide a clear, concise, and legally compliant schedule of policies that is easily accessible and understandable.

### III. ANALYSIS OF SITUATION

Staff conducted a review of the District’s policies focused on discrimination and harassment, including sexual harassment, to ensure that updates to state and federal law were accurately reflected in the policies. During the course of the review, it became apparent that some policies were not compliant with current law and others could be incorporated into a single policy. Below is a guide to the changes staff is suggesting for each policy and the rationale supporting these suggestions.

Policy	Proposed Action	Rationale
1.80.020-P Anti-Harassment/NonDiscrimination Policy	Revise to add retaliation language	ORS 659 and ORS 659A prohibit discrimination and retaliation in the workplace and educational settings.
4.30.060-P Anti-Harassment	Revise and rename. Revision will incorporate parts of Teen Dating Violence Policy and requirements of ORS 342.704 as it relates to students. The amended document will retain the student-centered focus on cyberbullying and abuse but will now also address teen dating violence and other forms of sexual harassment.	Required by ORS 339.356, ORS 339.366, and ORS 342.704
4.30.070-P Teen Dating Violence/Domestic Violence Policy	Rescind. The language from the policy will be incorporated into 4.30.060-P. The process referenced in the policy has already been codified in <a href="#">4.30.072-AD Title IX Student to Student Sex-Based Discrimination and Harassment</a> .	Required by ORS 339.366
5.10.030-P Grievance Procedure-Sex Discrimination	Rescind. This policy was developed in 1976 to outline Title IX grievance procedures. It is out of date and should be rescinded. Title IX procedure has been incorporated into the Workplace Harassment AD and the Title IX ADs ( <a href="#">4.30.072-AD Title IX Student to Student Sex-Based Discrimination and Harassment</a> and <a href="#">X.XX.XXX-AD Staff to staff/student Sex-Based Discrimination and Harassment</a> .)	Title IX regulations were promulgated in August, 2020. This policy does not track the current obligations under Title IX. Because the U.S. Dept of Education has recently announced its intention to revisit and revise these regulations, we determined that the Title IX processes for investigations and appeals should sit in an administrative directive rather than a policy, so that they can be readily amended when the law

		changes..
5.10.060-P Workplace Harassment	Revise to add the additional definition of sexual harassment from ORS 342.704 to the definition found in ORS 659A and ORS 243.	Make compliant with ORS 342.704. Required by ORS 659A and ORS 243.
5.10.062 Sexual Harassment-Staff to Student	Rescind. This policy is out of date and does not comply with the current statute. Pertinent items moved to Professional Conduct & Workplace Harassment policies.	Required by 342.704
5.10.064-P Professional Conduct Policy	Revise and renumber. Revisions to include definition of sexual harassment.	Required by 342.704

**IV. FISCAL IMPACT**

These changes are not expected to have a material financial impact.

**V. COMMUNITY ENGAGEMENT**

Because the substantive changes made to the policies were driven by legal compliance, no community engagement occurred in this process.

**VI. TIMELINE FOR IMPLEMENTATION/EVALUATION and COMMUNICATION PLAN**

Staff has already implemented the statutory provisions in their work around workplace/student harassment. PAT has been provided copies of all of the amended policies prior to the last work group meeting of the Board Policy Committee and once the policies have been approved, General Counsel’s office will work with the Title IX department and Human Resources to finalize processes in conformance with these policies and to include communications to students and staff through the Student Rights and Responsibilities and Employee Handbooks.

**VII. STAFF RECOMMENDATION**

Staff recommends that the Board accept the revision and rescission recommendations put forward in this report and as approved by the Policy Committee.

**I. I have reviewed this staff report and concur with the recommendation to the Board.**

Approved by Superintendent Direct Report

Signature

Date

**ATTACHMENTS**

Redline and clean copies of the following documents:

- 1.80.020-P Non-Discrimination/Anti-Harassment Policy
- 4.30.060-P Anti-Harassment Policy
- 5.10.060-P Workplace Harassment Policy
- 5.10.064-P Professional Conduct Policy

Copies of existing policies recommended for rescission:

- 4.30.070-P Teen Dating Violence/Domestic Violence Policy
- 5.10.030-P Grievance Procedure-Sex Discrimination
- 5.10.062 Sexual Harassment-Staff to Student

	<p>BOARD POLICY</p> <p><b>Non-Discrimination/ Anti-Harassment Policy</b></p>	<p><b>1.80.020-P</b></p>
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Portland Public Schools recognizes the diversity and worth of all individuals and groups and their roles in society.

The District prohibits discrimination and harassment on any basis protected by law, including but not limited to, an individual's perceived or actual race, color, religion, sex, sexual orientation, gender expression or identity, national or ethnic origin, marital status, age, mental or physical disability, pregnancy, familial status, economic status, veteran's status, or because of the perceived or actual race, color, religion, sex, sexual orientation, national or ethnic origin, marital status, age, mental or physical disability, pregnancy, familial status, economic status, or veterans' status of any other persons with whom the individual associates.

The District prohibits discrimination and harassment in **all of its programs and operations, including** but not limited to, employment, assignment, and promotion of personnel; educational opportunities and services offered students; student assignment to schools and classes; student discipline; location and use of facilities; educational offerings and materials; and in accommodating the public at public meetings.

Complaints regarding discrimination and harassment may be filed with any District administrator or manager, including **Human Resources (complaint line: 503-916-2990 or hrlegal@pps.net), PPS's Title IX Office (Titleix@pps.net), and the Office of the Superintendent, at any time.** In addition, complaints regarding discrimination may be filed with the United States or Oregon Departments of Education Office for Civil Rights ~~at any time~~. All complaints regarding sexual harassment and sexual violence shall **go also be forwarded** to the Title IX **Coordinator Office**. Complaints may be made anonymously; **however, corroborating evidence is required for any disciplinary action or other consequences.**

**Specific information on where to file a complaint can be found here: [hyperlink landing page]**

**Retaliation, intimidation, harassment, or threats against any**

person who in good faith reports, is thought to have reported, or otherwise participates in an investigation of discrimination or harassment is strictly prohibited, regardless of whether a complaint is substantiated. The good-faith initiation of any complaint of discrimination or harassment by a student will not adversely affect a student's school placement or educational learning environment. The good-faith initiation of any complaint of discrimination or harassment by an employee shall not adversely affect any terms or conditions of employment or work environment of the staff complainant. False reports found to be made in bad-faith shall be regarded as a serious offense and may result in disciplinary action or other appropriate sanctions.

The District shall investigate all complaints of discrimination, harassment, and retaliation.

~~District notices regarding non-discrimination and harassment will have contact information for the District's Title IX Coordinator, who shall track all district-related complaints regarding discrimination based on sex, sexual orientation, and gender expression or identity, including reports of sexual harassment and sexual violence. The~~

~~District's Title IX Office may be contacted at titleIX@pps.net.~~

~~The Superintendent will promulgate administrative directives outlining the complaint procedures providing for the prompt and equitable resolution of complaints from and against students, employees, vendors, and the public. These administrative directives will be available on the District's website.~~

Legal References: ORS 192.630; ORS 326.051; ORS 339.356; ORS 342.700; ORS 342.704; ORS 342.865; ORS 659.850; ORS 659A.006; ORS 659A.029; ORS 659A.030; ORS 659A.133; ORS 659A.270-.290; Title VII of the Civil Rights Act of 1964, as amended, Americans with Disabilities Act, Family Medical Leave Act, Age Discrimination in Employment Act

OSBA: AC

History: Adpt 2/13/97; Amd 9/9/02; Amd 6/17/13; Amd 4/10/18; Amd 5\_\_\_/21

	<p>BOARD POLICY</p> <p><b>Non-Discrimination/ Anti-Harassment Policy</b></p>	<p><b>1.80.020-P</b></p>
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Portland Public Schools recognizes the diversity and worth of all individuals and groups and their roles in society.

The district prohibits discrimination and harassment on any basis protected by law, including but not limited to, an individual's perceived or actual race, color, religion, sex, sexual orientation, gender expression or identity, national or ethnic origin, marital status, age, mental or physical disability, pregnancy, familial status, economic status, veteran's status, or because of the perceived or actual race, color, religion, sex, sexual orientation, national or ethnic origin, marital status, age, mental or physical disability, pregnancy, familial status, economic status, or veterans' status of any other persons with whom the individual associates.

The district prohibits discrimination and harassment in, but not limited to, employment, assignment and promotion of personnel; educational opportunities and services offered students; student assignment to schools and classes; student discipline; location and use of facilities; educational offerings and materials; and in accommodating the public at public meetings.

Complaints regarding discrimination and harassment may be filed with any District administrator or manager, including the Office of the Superintendent, at any time. In addition, complaints regarding discrimination may be filed with the United States or Oregon Department of Education Office for Civil Rights at any time. All complaints regarding sexual harassment and sexual violence shall go to the Title IX Coordinator. Complaints may be made anonymously.

District notices regarding non-discrimination and harassment will have contact information for the District's Title IX Coordinator, who shall track all district-related complaints regarding discrimination based on sex, sexual orientation, and gender expression or identity, including reports of sexual harassment and sexual violence. The

District's Title IX Coordinator may be contacted at [titleIX@pps.net](mailto:titleIX@pps.net).

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OSBA: AC

History: Adpt 2/13/97; Amd 9/9/02; Amd 6/17/13; Amd 4/10/18

# Portland Public School District 1<sup>st</sup> Reading

DATE OF FIRST READING: MAY 25, 2021

## PUBLIC COMMENT FOR **Policy 4.30-060-P: Student Anti-Harassment and Teen Dating Violence Policy**

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The Portland Public School District is providing Notice of Proposed Revised Policy and Public Comment to offer interested parties reasonable opportunity to submit data or comments on the proposed policies noted below.

Public comment may be submitted in writing directly to the district or through the district website noted below. Written comments must be submitted by 5:00pm on the Last Date for Comment listed below.

### Last Date for Comment: **June 15, 2021**

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**Summary:** Search and Seizure Policy 4.03.040-P

**1<sup>st</sup> Reading by:** Rita Moore  
Portland Public School Board

**Recommended for a 1st Reading by:**  
Portland Public Schools Board of Education  
Policy Committee

**Draft Policy Web Site:** <https://www.pps.net/Page/11911>

**Contact:** Rosanne Powell, Senior Board Manager  
**Address:** P.O. Box 3107, Portland, OR 97208-3107  
**Telephone:** 503-916-3741  
**E-mail:** [schoolboard@pps.net](mailto:schoolboard@pps.net)



## PORTLAND PUBLIC SCHOOLS

### OFFICE OF General Counsel

501 North Dixon Street / Portland, OR 97227

Telephone: (503) 916-3274

**Date:** May 18, 2021

**To:** School Board

**From:** Liz Large, Contracted General Counsel  
Mary Kane, Senior Legal Counsel

**Subject:** Staff Analysis Report to the Board- Policy Revision and Rescission

**Policy # and Name:** 1.80.020-P Non-Discrimination/Anti-Harassment Policy  
4.30.060-P Anti-Harassment Policy  
4.30.070-P Teen Dating Violence/Domestic Violence Policy  
5.10.030-P Grievance Procedure-Sex Discrimination  
5.10.062 Sexual Harassment-Staff to Student  
5.10.060-P Workplace Harassment Policy  
5.10.064-P Professional Conduct Policy

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### I. BACKGROUND

There have been a number of recent statutory revisions addressing harassment, including sexual harassment, in the workplace and within the educational setting. As we endeavored to incorporate the new requirements into our policies, we realized that this was an opportune time to organize these policies in a way that may provide ease of use for our students and staff. In some instances, policies were joined where there was overlap in content and focus. Other policies were out of date and had been replaced by other policies that were current with state law. A few policies required only that we update the definition of sexual harassment to align with current law.

### II. RELATED POLICIES/BEST PRACTICES

It is best practice to review policies regularly to determine whether they reflect current laws and practices. It is also best practice to provide a clear, concise, and legally compliant schedule of policies that is easily accessible and understandable.

### III. ANALYSIS OF SITUATION

Staff conducted a review of the District’s policies focused on discrimination and harassment, including sexual harassment, to ensure that updates to state and federal law were accurately reflected in the policies. During the course of the review, it became apparent that some policies were not compliant with current law and others could be incorporated into a single policy. Below is a guide to the changes staff is suggesting for each policy and the rationale supporting these suggestions.

Policy	Proposed Action	Rationale
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4.30.060-P Anti-Harassment	Revise and rename. Revision will incorporate parts of Teen Dating Violence Policy and requirements of ORS 342.704 as it relates to students. The amended document will retain the student-centered focus on cyberbullying and abuse but will now also address teen dating violence and other forms of sexual harassment.	Required by ORS 339.356, ORS 339.366, and ORS 342.704
4.30.070-P Teen Dating Violence/Domestic Violence Policy	Rescind. The language from the policy will be incorporated into 4.30.060-P. The process referenced in the policy has already been codified in <a href="#">4.30.072-AD Title IX Student to Student Sex-Based Discrimination and Harassment</a> .	Required by ORS 339.366
5.10.030-P Grievance Procedure-Sex Discrimination	Rescind. This policy was developed in 1976 to outline Title IX grievance procedures. It is out of date and should be rescinded. Title IX procedure has been incorporated into the Workplace Harassment AD and the Title IX ADs ( <a href="#">4.30.072-AD Title IX Student to Student Sex-Based Discrimination and Harassment</a> and <a href="#">X.XX.XXX-AD Staff to staff/student Sex-Based Discrimination and Harassment</a> .)	Title IX regulations were promulgated in August, 2020. This policy does not track the current obligations under Title IX. Because the U.S. Dept of Education has recently announced its intention to revisit and revise these regulations, we determined that the Title IX processes for investigations and appeals should sit in an administrative directive rather than a policy, so that they can be readily amended when the law

		changes..
5.10.060-P Workplace Harassment	Revise to add the additional definition of sexual harassment from ORS 342.704 to the definition found in ORS 659A and ORS 243.	Make compliant with ORS 342.704. Required by ORS 659A and ORS 243.
5.10.062 Sexual Harassment-Staff to Student	Rescind. This policy is out of date and does not comply with the current statute. Pertinent items moved to Professional Conduct & Workplace Harassment policies.	Required by 342.704
5.10.064-P Professional Conduct Policy	Revise and renumber. Revisions to include definition of sexual harassment.	Required by 342.704

**IV. FISCAL IMPACT**

These changes are not expected to have a material financial impact.

**V. COMMUNITY ENGAGEMENT**

Because the substantive changes made to the policies were driven by legal compliance, no community engagement occurred in this process.

**VI. TIMELINE FOR IMPLEMENTATION/EVALUATION and COMMUNICATION PLAN**

Staff has already implemented the statutory provisions in their work around workplace/student harassment. PAT has been provided copies of all of the amended policies prior to the last work group meeting of the Board Policy Committee and once the policies have been approved, General Counsel’s office will work with the Title IX department and Human Resources to finalize processes in conformance with these policies and to include communications to students and staff through the Student Rights and Responsibilities and Employee Handbooks.

**VII. STAFF RECOMMENDATION**

Staff recommends that the Board accept the revision and rescission recommendations put forward in this report and as approved by the Policy Committee.

**I. I have reviewed this staff report and concur with the recommendation to the Board.**

Approved by Superintendent Direct Report

Signature

Date

**ATTACHMENTS**

Redline and clean copies of the following documents:

- 1.80.020-P Non-Discrimination/Anti-Harassment Policy
- 4.30.060-P Anti-Harassment Policy
- 5.10.060-P Workplace Harassment Policy
- 5.10.064-P Professional Conduct Policy

Copies of existing policies recommended for rescission:

- 4.30.070-P Teen Dating Violence/Domestic Violence Policy
- 5.10.030-P Grievance Procedure-Sex Discrimination
- 5.10.062 Sexual Harassment-Staff to Student



	<p>BOARD POLICY</p> <p><b><u>Anti-Harassment Student Anti-Harassment and Teen Dating Violence Policy</u></b></p>	<p><b>4.30.060-P</b></p>
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DRAFT 4/21/21, 5/6/21

### I. Overview and Scope

Portland Public Schools is committed to providing a safe, positive, and productive learning and working environment. Harassment, including intimidation or bullying, ~~acts of~~ cyberbullying, and sexual harassment, including teen dating violence and domestic violence, are strictly prohibited and shall not be tolerated ~~in the District~~.

~~This policy applies to student behavior on school grounds, at any school-sponsored activity, on school-provided transportation, at any official school bus stop, and in all instances that student discipline applies as provided in Student Discipline Procedures 4.30.020-AD [insert hyperlink]. Certain behavior may require the District to follow the procedures outlined in Student to Student Sex-Based Discrimination and Harassment Administrative Directive 4.30.072-AD [insert hyperlink], otherwise, the District will follow the procedures found in the Title IX Student to Student Sex-Based Discrimination and Harassment Administrative Directive 4.30.072-AD. [insert hyperlink]~~

A:

B. ~~This directive policy applies:~~

~~To student behavior on school grounds, at any school-sponsored activity, on school-provided transportation, at any official school bus stop, and in all instances that student discipline applies as provided in Student Discipline Procedures 4.30.020-AD [insert hyperlink].~~

1. ~~To student behavior prohibited by this policy that substantially disrupts the school environment.~~

2. ~~To conduct by all district employees that is between adults, or between adults and students when the student is the victim.~~<sup>[1]</sup>

C. ~~Retaliation against any person who in good faith reports, is thought to have reported, files a complaint, or otherwise participates in an investigation of harassment is strictly prohibited regardless. This~~



## BOARD POLICY

**4.30.060-P**

### Anti-Harassment Student Anti-Harassment and Teen Dating Violence Policy

~~prohibition is independent of whether a complaint is substantiated. False reports shall be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions. The good-faith initiation of any complaint of harassment by an employee shall not adversely affect any terms or conditions of employment or work environment of the staff complainant. The good-faith initiation of any complaint of harassment by a student will not adversely affect a student's school placement or educational learning environment.~~

~~The district shall investigate all complaints of harassment and retaliation.~~

~~The District shall investigate all complaints of teen dating violence and shall incorporate age appropriate education about teen dating violence and domestic violence into new or existing training programs for students in grade 7 through 12.~~

~~D. — The district shall incorporate into existing training programs for staff information related to the prevention of, and the appropriate response to, teen dating violence and domestic violence.~~

~~E. — Instances of harassment may also be referred to law enforcement.~~

#### ~~H.~~ **II. Definitions**[2]

~~A.~~ **A.** "Harassment" means all forms of harassment, intimidation or bullying, ~~acts of~~ cyberbullying, and sexual harassment, ~~including but not limited to:-~~

~~1. 1. Harassment, i~~Intimidation, or bullying of students: ~~is~~ any act that

~~a.~~ substantially interferes with a student's educational benefits, opportunities, or performance and

~~b.~~ has the effect of physically harming a student or damaging a student's property, knowingly placing a student in reasonable fear of physical harm to the student or damage to the student's property, or creating a hostile educational environment, including interfering with the psychological well-being of a student and

~~c.~~ may be based on, but not limited to, the protected class



BOARD POLICY

4.30.060-P

Anti-Harassment Student  
Anti-Harassment and Teen  
Dating Violence Policy

status of a person.

~~1-2. Harassment, intimidation, or bullying of staff is conduct that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.~~

~~2-3. Cyberbullying: is~~ the use of any electronic communication device to harass, intimidate, or bully.

~~4. Sexual harassment of students:~~ includes

~~a. \_\_\_\_\_ a demand for sexual favors in exchange for benefits; or~~

~~b. \_\_\_\_\_ unwelcome conduct of a sexual nature that has the purpose or effect of unreasonably interfering with a student's educational performance or that creates an intimidating, offensive or hostile educational environment; and~~

~~3. \_\_\_\_\_ c. \_\_\_\_\_ assault when sexual contact occurs without 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.~~

~~4. Sexual harassment of employees includes a demand for sexual favors in exchange for benefits or unwelcome conduct of a sexual nature that has the purpose or effect of unreasonably interfering with an employee's performance or that creates an intimidating, hostile, or offensive work environment.~~

~~5. Teen dating violence: means:~~

~~a. A pattern of behavior in which a person uses or threatens to use physical, mental, or emotional abuse to control another person who is in, or has been in, a dating relationship with the person, where one or both persons are 13 to 19 years of age; or~~

~~b. Behavior by which a person uses or threatens to use sexual violence against another person who is in a dating relationship with the person, where one or both persons are 13 to 19 years of age.~~

~~7. \_\_\_\_\_ Domestic violence: abuse between family and household members as defined by ORS 107.705.~~



BOARD POLICY

**4.30.060-P**

**Anti-Harassment Student  
Anti-Harassment and Teen  
Dating Violence Policy**

~~B.~~ B8. "Protected class:" a group of persons distinguished, or perceived to be distinguished, by race, color, religion, sex, sexual orientation, gender identity, national origin, marital status, familial status, source of income, or disability.

~~C.~~ C9. "Retaliation: experiencing an adverse impact after making or supporting a claim of Harassment, including teen dating violence or domestic violence, if the impact would deter a reasonable person from making such a claim.

~~D.~~ D. "Sexual orientation:" an individual's actual or perceived heterosexuality, homosexuality, bisexuality, or gender identity.

~~E.~~ E11. Gender identity:" a person's sense of being male or female regardless of whether the individual's appearance, expression, or behavior differs from that traditionally associated with the individual's sex at birth.



BOARD POLICY

4.30.060-P

Anti-Harassment Student  
Anti-Harassment and Teen  
Dating Violence Policy

**III.II. All schools shall use evidenced-based strategies to maintain school-wide and classroom environments that are safe, promote learning and free of harassment.**

**IV.III. [III. Notice of Policy and Resources]**

A. Notice: Signs, in age appropriate language, explaining the prohibition against harassment, intimidation or bullying, acts of cyberbullying, and retaliation shall be posted in all schools below grade 6. Signs posted in all grade 6 through 12 schools shall include the prohibition against sexual harassment on a sign at least 8.5 by 11 inches in size. It shall also be included annually in the *Guide*, readily available from the district office, and posted on the district website.

B. School-Wide Student Notification: Students shall be informed of the definition of, consequences for, and obligation to report Harassment and retaliation. This can be accomplished in the form of class discussion or activity. It is also found in the Student Rights and Responsibilities Handbook.

**B- IV. Reporting Harassment**

1. Students who believe they have been subjected to Harassment or retaliation are encouraged to immediately inform a teacher, counselor, administrator, or other District employee. Each school has a School Compliance Officer (SCO) who is responsible to:

- a) receive all school-based reports of bullying, harassment & discrimination;
- b) conduct safety planning for impacted student(s);
- c) act as main point of contact for Title IX reports, investigations & associated interventions;
- d) ensure all incidents are cross-reported to DHS, Title



## BOARD POLICY

**4.30.060-P**

### Anti-Harassment Student Anti-Harassment and Teen Dating Violence Policy

IX etc. Current SCO's for each school are posted on  
[www.pps.net/titleix](http://www.pps.net/titleix)

2. Students who witness or have reliable knowledge of harassment or retaliation against any student should report their concerns to a teacher, counselor, administrator, or ~~the appropriate designated school another~~ District official as soon as possible.

3. Any District employee<sup>[3]</sup> who ~~becomes aware witnesses or has reliable knowledge~~ of Harassment against any student or who receives such a report shall immediately report the conduct to the school principal or ~~designee~~ other District administrator<sup>[4]</sup>. Employees shall also comply with their mandatory reporting obligations.

#### V-IV. **Consequences for Engaging in Harassment**

~~A.~~ Students who are found in violation of this directive are subject to disciplinary action ranging from a Level One conference to a Level Four expulsion/delayed expulsion/reassignment or referral. Disciplinary action depends on the number of occurrences and the severity of the offense and as provided in the *Guide to Procedures on Student Responsibilities, Rights and Discipline (Guide)*.

~~District employees found in violation of this directive are subject to discipline, up to and including dismissal. Licensed employees shall be reported to the Teacher Standards and Practices Commission as provided in OAR 584-020-0041.~~

#### VI-V. **Procedures**

Reports and complaints of Harassment, including teen dating and domestic violence, will be investigated by the District following the procedures outlined in the Harassment, Sexual Violence, and Teen Dating Violence Procedures and Prevention – Students Administrative Directive 4.30.071-AD. (HYPERLINK) Students and their parents will be notified in writing of the investigation and will be provided information about resources and supports, including information about civil and criminal remedies, to assist them in the



## BOARD POLICY

**4.30.060-P**

### Anti-Harassment Student Anti-Harassment and Teen Dating Violence Policy

process. [\[INSERT AD Hyperlink again\]](#)

[Allegations of retaliation will also be investigated and, if substantiated, may result in discipline.](#)

~~A. If a student is the alleged perpetrator of the harassment, the following procedures shall apply:~~

- ~~1. The principal or designee is responsible for investigating claims of student harassment.~~
- ~~2. Upon a report, or knowledge of, an incident of harassment or retaliation, the principal or designee shall assure it is promptly investigated.~~

~~3. \_\_\_\_\_ Students may report Harassment anonymously; however, corroborating evidence is required for any disciplinary action or other consequences.~~

~~4. \_\_\_\_\_ Complainants not satisfied with the decision at the school level may request a review of the decision by following the appropriate step in the Complaint Procedure in 4.50.030 P and 4.50.031 AD[5].~~

~~5. \_\_\_\_\_ If the complaint involves sexual harassment of a student, the District shall notify both the student who initiated the complaint and the student's parents when the investigation is concluded[6].~~

~~B. District employees who have reliable knowledge of prohibited conduct by a student or an adult against any student, shall immediately report their concerns to the appropriate designated school district official. Reports of conduct violating this directive may be made anonymously; however, corroborating evidence is required for any disciplinary action or other consequences.~~

~~If a district employee is the perpetrator of the alleged harassment, the complaint will be resolved through the appropriate Complaint Procedure. Employees not satisfied with the decision regarding their complaint, or employees receiving disciplinary or other consequences may request review through the grievance procedure otherwise generally applicable.[7]~~



	BOARD POLICY	<b>4.30.060-P</b>
	<b><u>Anti-Harassment Student Anti-Harassment and Teen Dating Violence Policy</u></b>	

~~C.~~

**VII.VI. Confidentiality**

Confidentiality: All complaints shall be handled so that the identity of the complainant and any information obtained as part of the investigation shall be kept confidential to the extent that confidentiality is compatible with a thorough investigation of the complaint and is permitted under the law. The District should strive to protect the identity of the person who files a complaint, encourage the reporting of any violations under this policy. [Parents/Guardians of the impacted students will be notified by the District.](#)

~~A.~~ Confidentiality of student records: Any disciplinary action taken against a student shall be kept confidential to comply with federal requirements for confidentiality of student records.

[Legal References: ORS 339.356; ORS 339.366; ORS 107.705; 342.704](#)

[OSBA: JFCF and \\_\\_\\_\\_\\_](#)

History: Replaces Harassment & Bullying Policy (4.30.060-P) and Anti-Harassment (4.30.061-AD) Amended 12/10; Amended 2/15



## BOARD POLICY

### Anti-Harassment

**4.30.060-P**

#### **I. Overview and Scope**

- A. Portland Public Schools is committed to providing a safe, positive, and productive learning and working environment. Harassment, including intimidation or bullying, acts of cyberbullying, and sexual harassment are strictly prohibited and shall not be tolerated in the District.
- B. This directive applies:
  - 1. To student behavior on school grounds, at any school-sponsored activity, on school-provided transportation, at any official school bus stop, and in all instances that student discipline applies as provided in Student Discipline Procedures 4.30.020-AD.
  - 2. To conduct by all district employees that is between adults, or between adults and students when the student is the victim.
- C. Retaliation against any person who in good faith reports, is thought to have reported, files a complaint, or otherwise participates in an investigation of harassment is strictly prohibited. This prohibition is independent of whether a complaint is substantiated. False reports shall be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions. The good faith initiation of any complaint of harassment by an employee shall not adversely affect any terms or conditions of employment or work environment of the staff complainant. The good faith initiation of any complaint of harassment by a student will not adversely affect a student's school placement or educational learning environment.
- D. The district shall investigate all complaints of harassment and retaliation.
- E. Instances of harassment may also be referred to law enforcement.

#### **II. Definitions**

- A. "Harassment" means all forms of harassment, intimidation or bullying, acts of cyberbullying, and sexual harassment.
  - 1. Harassment, intimidation, or bullying of students is any act that substantially interferes with a student's educational benefits, opportunities or performance and has the effect of physically harming a student or damaging a student's property, knowingly placing a student in reasonable fear of physical harm to the student or damage to the student's property, or creating a hostile educational



## BOARD POLICY

### Anti-Harassment

**4.30.060-P**

environment, including interfering with the psychological well-being of a student and may be based on, but not limited to, the protected class status of a person.

2. Harassment, intimidation, or bullying of staff is conduct that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
  3. Cyberbullying is the use of any electronic communication device to harass, intimidate, or bully.
  4. Sexual harassment of students includes a demand for sexual favors in exchange for benefits or unwelcome conduct of a sexual nature that has the purpose or effect of unreasonably interfering with a student's educational performance or that creates an intimidating, offensive or hostile educational environment.
  5. Sexual harassment of employees includes a demand for sexual favors in exchange for benefits or unwelcome conduct of a sexual nature that has the purpose or effect of unreasonably interfering with an employee's performance or that creates and an intimidating, hostile, or offensive work environment.
- B. "Protected class" means a group of persons distinguished, or perceived to be distinguished, by race, color, religion, sex, sexual orientation, gender identity, national origin, marital status, familial status, source of income, or disability.
- C. "Retaliation" means experiencing an adverse impact after making or supporting a claim of harassment if the impact would deter a reasonable person from making such a claim.
- D. "Sexual orientation" means an individual's actual or perceived heterosexuality, homosexuality, bisexuality, or gender identity.
- E. "Gender identity" means a person's sense of being male or female regardless of whether the individual's appearance, expression, or behavior differs from that traditionally associated with the individual's sex at birth.



## BOARD POLICY

### Anti-Harassment

**4.30.060-P**

**III. All schools shall use evidenced-based strategies to maintain school-wide and classroom environments that are safe, promote learning and free of harassment.**

- A. Notice: Signs, in age appropriate language, explaining the prohibition against harassment, intimidation or bullying, acts of cyberbullying, and retaliation shall be posted in all schools below grade 6. Signs posted in all grade 6 through 12 schools shall include the prohibition against sexual harassment on a sign at least 8.5 by 11 inches in size. It shall also be included annually in the *Guide*, readily available from the district office, and posted on the district website.
- B. School-Wide Student Notification: Students shall be informed of the definition of, consequences for, and obligation to report harassment and retaliation. This can be accomplished in the form of class discussion or activity.
- C. Students who believe they have been subjected to harassment or retaliation are encouraged to immediately inform a teacher, counselor, administrator, or other district employee.
  - 1. Students who witness or have reliable knowledge of harassment or retaliation against any student should report their concerns to a teacher, counselor, administrator, or the appropriate designated school district official as soon as possible.
  - 2. Any district employee who witnesses or has reliable knowledge of harassment against any student or who receives such a report shall immediately report the conduct to the principal or designee.

**IV. Consequences**

- A. Students who are found in violation of this directive are subject to disciplinary action ranging from a Level One conference to a Level Four expulsion/delayed expulsion/reassignment or referral. Disciplinary action depends on the number of occurrences and the severity of the offense and as provided in the *Guide to Procedures on Student Responsibilities, Rights and Discipline (Guide)*.
- B. District employees found in violation of this directive are subject to discipline, up to and including dismissal. Licensed employees shall be reported to the Teacher Standards and Practices Commission as provided in OAR 584-020-0041.



BOARD POLICY  
**Anti-Harassment**

**4.30.060-P**

**V. Procedures**

- A. If a student is the alleged perpetrator of the harassment, the following procedures shall apply:
1. The principal or designee is responsible for investigating claims of student harassment.
  2. Upon a report, or knowledge of, an incident of harassment or retaliation, the principal or designee shall assure it is promptly investigated.
  3. A student may report harassment anonymously; however, corroborating evidence is required for any disciplinary action or other consequences.
  4. Complainants not satisfied with the decision at the school level may request a review of the decision by following the appropriate step in the Complaint Procedure in 4.50.030-P and 4.50.031-AD
  5. If the complaint involves sexual harassment of a student, the District shall notify both the student who initiated the complaint and the student's parents when the investigation is concluded.
- B. District employees who have reliable knowledge of prohibited conduct by an adult against any student, or other employee shall immediately report their concerns to the appropriate designated school district official. Reports of conduct violating this directive may be made anonymously; however, corroborating evidence is required for any disciplinary action or other consequences.
- C. If a district employee is the perpetrator of the alleged harassment, the complaint will be resolved through the appropriate Complaint Procedure. Employees not satisfied with the decision regarding their complaint, or employees receiving disciplinary or other consequences may request review through the grievance procedure otherwise generally applicable.

**VI. Confidentiality**

- A. Confidentiality of complainant: All complaints shall be handled so that the identity of the complainant and any information obtained as part of the investigation shall be kept confidential to the extent that confidentiality is compatible with a thorough investigation of the complaint and is permitted under the law. This protects the identity of the person who files a complaint, encourages the reporting of any violations under this directive, and protects the privacy of all employees.

	BOARD POLICY <b>Anti-Harassment</b>	<b>4.30.060-P</b>
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- B. Confidentiality of student records: Any disciplinary action taken against a student shall be kept confidential to comply with federal requirements for confidentiality of student records.

History: Replaces Harassment & Bulling Policy (4.30.060-P) and Anti-Harassment (4.30.061-AD) Amended 12/10; Amended 2/15

# Portland Public School District 1<sup>st</sup> Reading

DATE OF FIRST READING (RECISION): MAY 25, 2021

**PUBLIC COMMENT FOR**  
**Policy 4.30.070-P:**  
**Teen Dating Violence/Domestic**  
**Violence Policy**

**Recommended Recision**

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The Portland Public School District is providing Notice of Proposed Revised Policy and Public Comment to offer interested parties reasonable opportunity to submit data or comments on the proposed policies noted below.

Public comment may be submitted in writing directly to the district or through the district website noted below. Written comments must be submitted by 5:00pm on the Last Date for Comment listed below.

**Last Date for Comment: June 15, 2021**

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**Summary:** Teen Dating Violence/Domestic Violence Policy 4.30.070-P

**1<sup>st</sup> Reading by:** Rita Moore  
Portland Public School Board

**Recommended for a 1st Reading for Recision by:**  
Portland Public Schools Board of Education  
Policy Committee

**Draft Policy Web Site:** <https://www.pps.net/Page/11911>

**Contact:** Rosanne Powell, Senior Board Manager  
**Address:** P.O. Box 3107, Portland, OR 97208-3107  
**Telephone:** 503-916-3741  
**E-mail:** [schoolboard@pps.net](mailto:schoolboard@pps.net)



## PORTLAND PUBLIC SCHOOLS

### OFFICE OF General Counsel

501 North Dixon Street / Portland, OR 97227

Telephone: (503) 916-3274

**Date:** May 18, 2021

**To:** School Board

**From:** Liz Large, Contracted General Counsel  
Mary Kane, Senior Legal Counsel

**Subject:** Staff Analysis Report to the Board- Policy Revision and Rescission

**Policy # and Name:** 1.80.020-P Non-Discrimination/Anti-Harassment Policy  
4.30.060-P Anti-Harassment Policy  
4.30.070-P Teen Dating Violence/Domestic Violence Policy  
5.10.030-P Grievance Procedure-Sex Discrimination  
5.10.062 Sexual Harassment-Staff to Student  
5.10.060-P Workplace Harassment Policy  
5.10.064-P Professional Conduct Policy

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### I. BACKGROUND

There have been a number of recent statutory revisions addressing harassment, including sexual harassment, in the workplace and within the educational setting. As we endeavored to incorporate the new requirements into our policies, we realized that this was an opportune time to organize these policies in a way that may provide ease of use for our students and staff. In some instances, policies were joined where there was overlap in content and focus. Other policies were out of date and had been replaced by other policies that were current with state law. A few policies required only that we update the definition of sexual harassment to align with current law.

### II. RELATED POLICIES/BEST PRACTICES

It is best practice to review policies regularly to determine whether they reflect current laws and practices. It is also best practice to provide a clear, concise, and legally compliant schedule of policies that is easily accessible and understandable.

### III. ANALYSIS OF SITUATION

Staff conducted a review of the District’s policies focused on discrimination and harassment, including sexual harassment, to ensure that updates to state and federal law were accurately reflected in the policies. During the course of the review, it became apparent that some policies were not compliant with current law and others could be incorporated into a single policy. Below is a guide to the changes staff is suggesting for each policy and the rationale supporting these suggestions.

Policy	Proposed Action	Rationale
1.80.020-P Anti-Harassment/NonDiscrimination Policy	Revise to add retaliation language	ORS 659 and ORS 659A prohibit discrimination and retaliation in the workplace and educational settings.
4.30.060-P Anti-Harassment	Revise and rename. Revision will incorporate parts of Teen Dating Violence Policy and requirements of ORS 342.704 as it relates to students. The amended document will retain the student-centered focus on cyberbullying and abuse but will now also address teen dating violence and other forms of sexual harassment.	Required by ORS 339.356, ORS 339.366, and ORS 342.704
4.30.070-P Teen Dating Violence/Domestic Violence Policy	Rescind. The language from the policy will be incorporated into 4.30.060-P. The process referenced in the policy has already been codified in <a href="#">4.30.072-AD Title IX Student to Student Sex-Based Discrimination and Harassment</a> .	Required by ORS 339.366
5.10.030-P Grievance Procedure-Sex Discrimination	Rescind. This policy was developed in 1976 to outline Title IX grievance procedures. It is out of date and should be rescinded. Title IX procedure has been incorporated into the Workplace Harassment AD and the Title IX ADs ( <a href="#">4.30.072-AD Title IX Student to Student Sex-Based Discrimination and Harassment</a> and <a href="#">X.XX.XXX-AD Staff to staff/student Sex-Based Discrimination and Harassment</a> .)	Title IX regulations were promulgated in August, 2020. This policy does not track the current obligations under Title IX. Because the U.S. Dept of Education has recently announced its intention to revisit and revise these regulations, we determined that the Title IX processes for investigations and appeals should sit in an administrative directive rather than a policy, so that they can be readily amended when the law

		changes..
5.10.060-P Workplace Harassment	Revise to add the additional definition of sexual harassment from ORS 342.704 to the definition found in ORS 659A and ORS 243.	Make compliant with ORS 342.704. Required by ORS 659A and ORS 243.
5.10.062 Sexual Harassment-Staff to Student	Rescind. This policy is out of date and does not comply with the current statute. Pertinent items moved to Professional Conduct & Workplace Harassment policies.	Required by 342.704
5.10.064-P Professional Conduct Policy	Revise and renumber. Revisions to include definition of sexual harassment.	Required by 342.704

**IV. FISCAL IMPACT**

These changes are not expected to have a material financial impact.

**V. COMMUNITY ENGAGEMENT**

Because the substantive changes made to the policies were driven by legal compliance, no community engagement occurred in this process.

**VI. TIMELINE FOR IMPLEMENTATION/EVALUATION and COMMUNICATION PLAN**

Staff has already implemented the statutory provisions in their work around workplace/student harassment. PAT has been provided copies of all of the amended policies prior to the last work group meeting of the Board Policy Committee and once the policies have been approved, General Counsel’s office will work with the Title IX department and Human Resources to finalize processes in conformance with these policies and to include communications to students and staff through the Student Rights and Responsibilities and Employee Handbooks.

**VII. STAFF RECOMMENDATION**

Staff recommends that the Board accept the revision and rescission recommendations put forward in this report and as approved by the Policy Committee.

**I. I have reviewed this staff report and concur with the recommendation to the Board.**

Approved by Superintendent Direct Report

Signature

Date

**ATTACHMENTS**

Redline and clean copies of the following documents:

- 1.80.020-P Non-Discrimination/Anti-Harassment Policy
- 4.30.060-P Anti-Harassment Policy
- 5.10.060-P Workplace Harassment Policy
- 5.10.064-P Professional Conduct Policy

Copies of existing policies recommended for rescission:

- 4.30.070-P Teen Dating Violence/Domestic Violence Policy
- 5.10.030-P Grievance Procedure-Sex Discrimination
- 5.10.062 Sexual Harassment-Staff to Student

	<p>BOARD POLICY</p> <p style="text-align: center; color: red;">Recommend Rescind</p> <p><b>Teen Dating Violence/Domestic Violence</b></p>	<p>4.30.070-P</p>
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**I. Overview and Prohibited Conduct**

- A. Portland Public Schools is committed to providing a safe, positive, and productive learning environment. Teen dating violence is unacceptable behavior and prohibited.
- B. This policy applies to alleged student behavior on district grounds, at or during any district-sponsored activity, on district-provided transportation, at any official district bus stop, and in all instances that student discipline applies as provided in Student Discipline Procedures 4.30.020-AD, including when student behavior covered in this policy substantially disrupts the school environment.
- C. Retaliation against any person who reports, is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry is also strictly prohibited. Reports made in bad faith shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.
- D. The District shall investigate all complaints of teen dating violence. The Superintendent shall be responsible for ensuring the development of administrative directives, including reporting and investigative procedures. The Superintendent shall also appoint a Title IX Coordinator who will be responsible for receiving reports related to teen dating violence.
- E. The district shall incorporate age-appropriate education about teen dating violence and domestic violence into new or existing training programs for students in grade 7 through 12.
- F. The district shall incorporate into existing training programs for staff information related to the prevention of, and the appropriate response to, teen dating violence and domestic violence.

**II. Definitions**

- A. "Teen dating violence" means:
  - 1. A pattern of behavior in which a person uses or threatens to use physical, mental, or emotional abuse to control another person who is in, or has been in, a dating relationship with the person, where one or both persons are 13 to 19 years or age; or

2. Behavior by which a person uses or threatens to use sexual violence against another person who is in a dating relationship with the person, where one or both persons are 13 to 19 years of age.
- B. "Domestic Violence" means abuse as defined by Oregon Revised Statute 107.705 between family and household members, as those terms are described in ORS 107.705.
  - C. "Retaliation" means harassment, intimidation or bullying, menacing, teen dating violence and acts of cyberbullying toward a person in response to a student for actually or apparently reporting or participating in the investigation of teen dating violence.

Legal References: ORS 339.356; ORS 339.366; ORS 107.705

OSBA: JFCF

History: Adpt 4/10/18

# Portland Public School District 1<sup>st</sup> Reading

DATE OF FIRST READING (RECISION): MAY 25, 2021

**PUBLIC COMMENT FOR**  
**Policy 5.10.030-P:**  
**Grievance Procedure – Sex**  
**Discrimination Policy**

**Recommended Recision**

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The Portland Public School District is providing Notice of Proposed Revised Policy and Public Comment to offer interested parties reasonable opportunity to submit data or comments on the proposed policies noted below.

Public comment may be submitted in writing directly to the district or through the district website noted below. Written comments must be submitted by 5:00pm on the Last Date for Comment listed below.

**Last Date for Comment: June 15, 2021**

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**Summary:** Grievance Procedure – Sex Discrimination Policy 5.10.030-P

**1<sup>st</sup> Reading by:** Rita Moore  
Portland Public School Board

**Recommended for a 1st Reading for Recision by:**  
Portland Public Schools Board of Education  
Policy Committee

**Draft Policy Web Site:** <https://www.pps.net/Page/11911>

**Contact:** Rosanne Powell, Senior Board Manager  
**Address:** P.O. Box 3107, Portland, OR 97208-3107  
**Telephone:** 503-916-3741  
**E-mail:** [schoolboard@pps.net](mailto:schoolboard@pps.net)



## PORTLAND PUBLIC SCHOOLS

### OFFICE OF General Counsel

501 North Dixon Street / Portland, OR 97227

Telephone: (503) 916-3274

**Date:** May 18, 2021

**To:** School Board

**From:** Liz Large, Contracted General Counsel  
Mary Kane, Senior Legal Counsel

**Subject:** Staff Analysis Report to the Board- Policy Revision and Rescission

**Policy # and Name:** 1.80.020-P Non-Discrimination/Anti-Harassment Policy  
4.30.060-P Anti-Harassment Policy  
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5.10.062 Sexual Harassment-Staff to Student  
5.10.060-P Workplace Harassment Policy  
5.10.064-P Professional Conduct Policy

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### I. BACKGROUND

There have been a number of recent statutory revisions addressing harassment, including sexual harassment, in the workplace and within the educational setting. As we endeavored to incorporate the new requirements into our policies, we realized that this was an opportune time to organize these policies in a way that may provide ease of use for our students and staff. In some instances, policies were joined where there was overlap in content and focus. Other policies were out of date and had been replaced by other policies that were current with state law. A few policies required only that we update the definition of sexual harassment to align with current law.

### II. RELATED POLICIES/BEST PRACTICES

It is best practice to review policies regularly to determine whether they reflect current laws and practices. It is also best practice to provide a clear, concise, and legally compliant schedule of policies that is easily accessible and understandable.

### III. ANALYSIS OF SITUATION

Staff conducted a review of the District’s policies focused on discrimination and harassment, including sexual harassment, to ensure that updates to state and federal law were accurately reflected in the policies. During the course of the review, it became apparent that some policies were not compliant with current law and others could be incorporated into a single policy. Below is a guide to the changes staff is suggesting for each policy and the rationale supporting these suggestions.

Policy	Proposed Action	Rationale
1.80.020-P Anti-Harassment/NonDiscrimination Policy	Revise to add retaliation language	ORS 659 and ORS 659A prohibit discrimination and retaliation in the workplace and educational settings.
4.30.060-P Anti-Harassment	Revise and rename. Revision will incorporate parts of Teen Dating Violence Policy and requirements of ORS 342.704 as it relates to students. The amended document will retain the student-centered focus on cyberbullying and abuse but will now also address teen dating violence and other forms of sexual harassment.	Required by ORS 339.356, ORS 339.366, and ORS 342.704
4.30.070-P Teen Dating Violence/Domestic Violence Policy	Rescind. The language from the policy will be incorporated into 4.30.060-P. The process referenced in the policy has already been codified in <a href="#">4.30.072-AD Title IX Student to Student Sex-Based Discrimination and Harassment</a> .	Required by ORS 339.366
5.10.030-P Grievance Procedure-Sex Discrimination	Rescind. This policy was developed in 1976 to outline Title IX grievance procedures. It is out of date and should be rescinded. Title IX procedure has been incorporated into the Workplace Harassment AD and the Title IX ADs ( <a href="#">4.30.072-AD Title IX Student to Student Sex-Based Discrimination and Harassment</a> and <a href="#">X.XX.XXX-AD Staff to staff/student Sex-Based Discrimination and Harassment</a> .)	Title IX regulations were promulgated in August, 2020. This policy does not track the current obligations under Title IX. Because the U.S. Dept of Education has recently announced its intention to revisit and revise these regulations, we determined that the Title IX processes for investigations and appeals should sit in an administrative directive rather than a policy, so that they can be readily amended when the law

		changes..
5.10.060-P Workplace Harassment	Revise to add the additional definition of sexual harassment from ORS 342.704 to the definition found in ORS 659A and ORS 243.	Make compliant with ORS 342.704. Required by ORS 659A and ORS 243.
5.10.062 Sexual Harassment-Staff to Student	Rescind. This policy is out of date and does not comply with the current statute. Pertinent items moved to Professional Conduct & Workplace Harassment policies.	Required by 342.704
5.10.064-P Professional Conduct Policy	Revise and renumber. Revisions to include definition of sexual harassment.	Required by 342.704

**IV. FISCAL IMPACT**

These changes are not expected to have a material financial impact.

**V. COMMUNITY ENGAGEMENT**

Because the substantive changes made to the policies were driven by legal compliance, no community engagement occurred in this process.

**VI. TIMELINE FOR IMPLEMENTATION/EVALUATION and COMMUNICATION PLAN**

Staff has already implemented the statutory provisions in their work around workplace/student harassment. PAT has been provided copies of all of the amended policies prior to the last work group meeting of the Board Policy Committee and once the policies have been approved, General Counsel’s office will work with the Title IX department and Human Resources to finalize processes in conformance with these policies and to include communications to students and staff through the Student Rights and Responsibilities and Employee Handbooks.

**VII. STAFF RECOMMENDATION**

Staff recommends that the Board accept the revision and rescission recommendations put forward in this report and as approved by the Policy Committee.

**I. I have reviewed this staff report and concur with the recommendation to the Board.**

Approved by Superintendent Direct Report

Signature

Date

**ATTACHMENTS**

Redline and clean copies of the following documents:

- 1.80.020-P Non-Discrimination/Anti-Harassment Policy
- 4.30.060-P Anti-Harassment Policy
- 5.10.060-P Workplace Harassment Policy
- 5.10.064-P Professional Conduct Policy

Copies of existing policies recommended for rescission:

- 4.30.070-P Teen Dating Violence/Domestic Violence Policy
- 5.10.030-P Grievance Procedure-Sex Discrimination
- 5.10.062 Sexual Harassment-Staff to Student

## 5.10.030-P Grievance Procedure – Sex Discrimination **Recommend Rescind**

The grievance procedure generally applicable to an employee making the complaint may be utilized by such employee for resolution of claims that the district or its personnel have violated, misinterpreted or erroneously applied Section 901 or Section 902, Title IX, of the Education Amendments of 1972, as amended by Public Law 93-568 (20 USC, Sections 1681 and 1682) or valid regulations of the United States Department of Health, Education and Welfare adopted to effectuate such laws contained in 45 CFR, Part 86 (relating to sex discrimination). For such purposes, the complainant shall be deemed an "aggrieved" within the meaning of that term as defined in the applicable grievance procedure, provided that the complainant must be directly affected by the action complained of. The complaint shall be regarded a "grievance" thereunder, but is otherwise subject to the same definitions, exclusions, limitations and procedures as apply to grievances and the processing thereof in the generally applicable grievance procedure. The final level of such grievance procedure shall be at the superintendent level, and the decision of the superintendent shall not be subject to arbitration.

See also additional provisions in negotiated/professional agreements.

Legal References: ORS 243.706; ORS 659.010 (14); OAR 584-020-0040; ORS 342.700; ORS 659.020; OAR 584-020-0041; ORS 342.704; ORS 659.029; ORS 342.708; ORS 659.030; ORS 342.850; ORS 659.040; ORS 342.865; ORS 659.150; Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C.A., Section 2000(e) et seq. (West 1985); Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C.A., Section 621 (West 1985); Age Discrimination Act of 1975, as amended, 42 U.S.C.A., Section 6101 (West 1985); Equal Pay Act of 1963, as amended, 29 U.S.C.A., Section 206(d) (West 1985); Title IX of the Education Amendments of 1972, 20 U.S.C.A., Sections 1681, 1682 and 1683 (West 1985); Rehabilitation Act of 1973, 29 U.S.C.A. Sections 504, 791, 793 and 794 (West 1985); Americans with Disabilities Act of 1990, 42 U.S.C. Section 12101 et seq. 29 CFR Part 1630

History: Adpt. 7/15/76

# Portland Public School District 1<sup>st</sup> Reading

DATE OF FIRST READING: MAY 25, 2021

## **PUBLIC COMMENT FOR** **Policy 5.10.060-P:** **Workplace Harassment Policy**

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The Portland Public School District is providing Notice of Proposed Revised Policy and Public Comment to offer interested parties reasonable opportunity to submit data or comments on the proposed policies noted below.

Public comment may be submitted in writing directly to the district or through the district website noted below. Written comments must be submitted by 5:00pm on the Last Date for Comment listed below.

**Last Date for Comment: June 15, 2021**

---

**Summary:** Workplace Harassment Policy 5.10.060-P

**1<sup>st</sup> Reading by:** Rita Moore  
Portland Public School Board

**Recommended for a 1st Reading by:**  
Portland Public Schools Board of Education  
Policy Committee

**Draft Policy Web Site:** <https://www.pps.net/Page/11911>

**Contact:** Rosanne Powell, Senior Board Manager  
**Address:** P.O. Box 3107, Portland, OR 97208-3107  
**Telephone:** 503-916-3741  
**E-mail:** [schoolboard@pps.net](mailto:schoolboard@pps.net)



## PORTLAND PUBLIC SCHOOLS

### OFFICE OF General Counsel

501 North Dixon Street / Portland, OR 97227

Telephone: (503) 916-3274

**Date:** May 18, 2021

**To:** School Board

**From:** Liz Large, Contracted General Counsel  
Mary Kane, Senior Legal Counsel

**Subject:** Staff Analysis Report to the Board- Policy Revision and Rescission

**Policy # and Name:** 1.80.020-P Non-Discrimination/Anti-Harassment Policy  
4.30.060-P Anti-Harassment Policy  
4.30.070-P Teen Dating Violence/Domestic Violence Policy  
5.10.030-P Grievance Procedure-Sex Discrimination  
5.10.062 Sexual Harassment-Staff to Student  
5.10.060-P Workplace Harassment Policy  
5.10.064-P Professional Conduct Policy

---

### **I. BACKGROUND**

There have been a number of recent statutory revisions addressing harassment, including sexual harassment, in the workplace and within the educational setting. As we endeavored to incorporate the new requirements into our policies, we realized that this was an opportune time to organize these policies in a way that may provide ease of use for our students and staff. In some instances, policies were joined where there was overlap in content and focus. Other policies were out of date and had been replaced by other policies that were current with state law. A few policies required only that we update the definition of sexual harassment to align with current law.

### **II. RELATED POLICIES/BEST PRACTICES**

It is best practice to review policies regularly to determine whether they reflect current laws and practices. It is also best practice to provide a clear, concise, and legally compliant schedule of policies that is easily accessible and understandable.

### III. ANALYSIS OF SITUATION

Staff conducted a review of the District’s policies focused on discrimination and harassment, including sexual harassment, to ensure that updates to state and federal law were accurately reflected in the policies. During the course of the review, it became apparent that some policies were not compliant with current law and others could be incorporated into a single policy. Below is a guide to the changes staff is suggesting for each policy and the rationale supporting these suggestions.

Policy	Proposed Action	Rationale
1.80.020-P Anti-Harassment/NonDiscrimination Policy	Revise to add retaliation language	ORS 659 and ORS 659A prohibit discrimination and retaliation in the workplace and educational settings.
4.30.060-P Anti-Harassment	Revise and rename. Revision will incorporate parts of Teen Dating Violence Policy and requirements of ORS 342.704 as it relates to students. The amended document will retain the student-centered focus on cyberbullying and abuse but will now also address teen dating violence and other forms of sexual harassment.	Required by ORS 339.356, ORS 339.366, and ORS 342.704
4.30.070-P Teen Dating Violence/Domestic Violence Policy	Rescind. The language from the policy will be incorporated into 4.30.060-P. The process referenced in the policy has already been codified in <a href="#">4.30.072-AD Title IX Student to Student Sex-Based Discrimination and Harassment</a> .	Required by ORS 339.366
5.10.030-P Grievance Procedure-Sex Discrimination	Rescind. This policy was developed in 1976 to outline Title IX grievance procedures. It is out of date and should be rescinded. Title IX procedure has been incorporated into the Workplace Harassment AD and the Title IX ADs ( <a href="#">4.30.072-AD Title IX Student to Student Sex-Based Discrimination and Harassment</a> and <a href="#">X.XX.XXX-AD Staff to staff/student Sex-Based Discrimination and Harassment</a> .)	Title IX regulations were promulgated in August, 2020. This policy does not track the current obligations under Title IX. Because the U.S. Dept of Education has recently announced its intention to revisit and revise these regulations, we determined that the Title IX processes for investigations and appeals should sit in an administrative directive rather than a policy, so that they can be readily amended when the law

		changes..
5.10.060-P Workplace Harassment	Revise to add the additional definition of sexual harassment from ORS 342.704 to the definition found in ORS 659A and ORS 243.	Make compliant with ORS 342.704. Required by ORS 659A and ORS 243.
5.10.062 Sexual Harassment-Staff to Student	Rescind. This policy is out of date and does not comply with the current statute. Pertinent items moved to Professional Conduct & Workplace Harassment policies.	Required by 342.704
5.10.064-P Professional Conduct Policy	Revise and renumber. Revisions to include definition of sexual harassment.	Required by 342.704

**IV. FISCAL IMPACT**

These changes are not expected to have a material financial impact.

**V. COMMUNITY ENGAGEMENT**

Because the substantive changes made to the policies were driven by legal compliance, no community engagement occurred in this process.

**VI. TIMELINE FOR IMPLEMENTATION/EVALUATION and COMMUNICATION PLAN**

Staff has already implemented the statutory provisions in their work around workplace/student harassment. PAT has been provided copies of all of the amended policies prior to the last work group meeting of the Board Policy Committee and once the policies have been approved, General Counsel’s office will work with the Title IX department and Human Resources to finalize processes in conformance with these policies and to include communications to students and staff through the Student Rights and Responsibilities and Employee Handbooks.

**VII. STAFF RECOMMENDATION**

Staff recommends that the Board accept the revision and rescission recommendations put forward in this report and as approved by the Policy Committee.

**I. I have reviewed this staff report and concur with the recommendation to the Board.**

Approved by Superintendent Direct Report

Signature

Date

**ATTACHMENTS**

Redline and clean copies of the following documents:

- 1.80.020-P Non-Discrimination/Anti-Harassment Policy
- 4.30.060-P Anti-Harassment Policy
- 5.10.060-P Workplace Harassment Policy
- 5.10.064-P Professional Conduct Policy

Copies of existing policies recommended for rescission:

- 4.30.070-P Teen Dating Violence/Domestic Violence Policy
- 5.10.030-P Grievance Procedure-Sex Discrimination
- 5.10.062 Sexual Harassment-Staff to Student

Draft 4/21/21

## 5.10.060-P Workplace Harassment

- (1) All District work environments should be free from any form of harassment, including sexual harassment. All District employees, school board members, volunteers, and contractors, must avoid any conduct or action that could be characterized as harassment of another employee, whether that occurs in the workplace or off District premises.
- (2) Workplace harassment means conduct that constitutes discrimination based on race, color, religion, sex, sexual orientation, national origin, marital status, age, disability, expunged juvenile record, and any other discrimination prohibited by law and includes sexual assault.
- (3) Sexual ~~harassment~~ ~~assault~~ means unwanted conduct of a sexual nature that is inflicted upon a person or compelled through the use of physical force, manipulation, threat, or intimidation and includes any unwelcome sexual advances, requests for sexual favors, physical contact, or any other unwelcome conduct, verbal or nonverbal, of a sexual nature when:
  - (a) The employee's submission to, or rejection of, the conduct is made either an implicit or explicit term or condition of employment (including wages, evaluation, advancement, retention, assigned duties, or other employment-related matters);
  - (b) The conduct by supervisors or other District employees, school board members, contractors, and volunteers, that has the purpose or effect of substantially interfering with an individual's work performance; or
  - (c) The conduct by supervisors or other District employees, school board members, contractors, and volunteers, that has the effect of creating an intimidating, hostile, or offensive working environment.
    - (A) **Verbal conduct** includes sexual innuendos, suggestive comments, jokes of a sexual nature, sexual propositions, and threats.
    - (B) **Nonverbal conduct** includes sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting noises, obscene gestures, whistling, and leering.
    - ~~(C)~~ **Physical conduct** includes unwanted physical contact such as touching, pinching, brushing the body, coerced sexual intercourse, or assault.

~~(C)~~ (4)

(4) Sexual harassment also includes assault which occurs when sexual contact occurs without a staff member's consent because the staff member is under the influence of drugs or alcohol, is unconscious or is pressured through physical force, coercion or explicit or implied threats.

~~(4)~~(5) No District employee, school board member, contractor, or volunteer may use the authority of their position to subject any employee to sexual harassment, as described above, or to coerce, encourage, or force another into a romantic relationship.

~~(5)~~(6) When it is brought to their attention, administrators and supervisors must take affirmative steps to stop workplace harassment, including sexual harassment of subordinates or non-employees, including warning, discipline, and recommending possible dismissal of the offending staff.

~~(6)~~(7) Any District employee who believes they have been subject to workplace harassment may file a report with

- (a) their supervisor
- (b) the Human Resources Department Complaint hotline
- (c) the Oregon Bureau of Labor and Industries' (BOLI) complaint resolution process or
- (d) through other avenues available under civil or criminal law.

~~(e)~~     Any person who believes they have been subject to workplace harassment should also make a report of sexual harassment to the Title IX Director for the District.

~~(7)~~(8) All ~~reports incidents~~ of behavior that may violate this policy shall be promptly investigated. The District will make every reasonable effort to safeguard employee privacy and preserve confidentiality to the extent the investigative process allows.

~~(8)~~(9) The District will not tolerate retaliation by any District employee, school board member, contractor, or volunteer, against any person who in good faith reports conduct believed to constitute workplace harassment. The District may discipline employees who retaliate in violation of this policy, provide false information, or make a complaint in bad faith. The District may take any other action it deems necessary in response to similar conduct from a contractor or volunteer.

(10) The District may not require or coerce an employee who makes an allegation of workplace harassment to enter into a nondisclosure or nondisparagement agreement unless it complies with ORS 659A.

(11) District employees who makes a report of workplace harassment shall be provided all information required by law, including, timelines for

relief for available administrative or judicial remedies.

**5.10.060-P**

(12) All complaints of harassment directed toward non-employees should be addressed under the District's Nondiscrimination/Anti-Harassment Policy, 1.80.020-P.

Legal References: ORS 659A.001 et seq. ORS 342.700 to 342.708; ORS 342.865  
Title VI of the Civil Rights Act of 1964,  
Title VII of the Civil Rights Act of 1964,  
Title IX of the Education Amendments of 1972, 20 U.S.C.A., 1681-1683 (2018)  
Americans with Disabilities Act of 1990, 42 U.S.C. Section 12101 et seq. 29 CFR Part 1630

History: Adpt. 9/25/97; Amd. 2/99, 5/20

[INSERT Link to AD]



## BOARD POLICY

## 5.10.060-P

### Workplace Harassment

- (1) All District work environments should be free from any form of harassment, including sexual harassment. All District employees, school board members, volunteers, and contractors, must avoid any conduct or action that could be characterized as harassment of another employee, whether that occurs in the workplace or off District premises.
- (2) Workplace harassment means conduct that constitutes discrimination based on race, color, religion, sex, sexual orientation, national origin, marital status, age, disability, expunged juvenile record, and any other discrimination prohibited by law and includes sexual assault.
- (3) Sexual assault means unwanted conduct of a sexual nature that is inflicted upon a person or compelled through the use of physical force, manipulation, threat, or intimidation and includes any unwelcome sexual advances, requests for sexual favors, physical contact, or any other unwelcome conduct, verbal or nonverbal, of a sexual nature when:
  - (a) The employee's submission to, or rejection of, the conduct is made either an implicit or explicit term or condition of employment (including wages, evaluation, advancement, retention, assigned duties, or other employment-related matters);
  - (b) The conduct by supervisors or other District employees, school board members, contractors, and volunteers, that has the purpose or effect of substantially interfering with an individual's work performance; or
  - (c) The conduct by supervisors or other District employees, school board members, contractors, and volunteers, that has the effect of creating an intimidating, hostile, or offensive working environment.
    - (A) **Verbal conduct** includes sexual innuendos, suggestive comments, jokes of a sexual nature, sexual propositions, and threats.
    - (B) **Nonverbal conduct** includes sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting noises, obscene gestures, whistling, and leering.
    - (C) **Physical conduct** includes unwanted physical contact such as touching, pinching, brushing the body, coerced sexual intercourse, or assault.
- (4) No District employee, school board member, contractor, or volunteer may use the authority of their position to subject any employee to sexual harassment, as described above, or to coerce, encourage, or force another into a romantic relationship.
- (5) When it is brought to their attention, administrators and supervisors must take affirmative steps to stop workplace harassment, including sexual harassment of subordinates or non-employees, including warning, discipline, and recommending possible dismissal of the offending staff.
- (6) Any District employee who believes they have been subject to workplace harassment may file a report with
  - (a) their supervisor,



**Workplace Harassment**

- (b) the Human Resources Department Complaint hotline,.
  - (c) the Oregon Bureau of Labor and Industries' (BOLI) complaint resolution process
  - (d) or through other avenues available under civil or criminal law.
  - (e) Any person who believes they have been subject to workplace harassment should also make a report of sexual harassment to the Title IX Director for the District.
- (7) All incidents of behavior that may violate this policy shall be promptly investigated. The District will make every reasonable effort to safeguard employee privacy and preserve confidentiality to the extent the investigative process allows.
- (8) The District will not tolerate retaliation by any District employee, school board member, contractor, or volunteer, against any person who in good faith reports conduct believed to constitute workplace harassment. The District may discipline employees who retaliate in violation of this policy, provide false information, or make a complaint in bad faith. The District may take any other action it deems necessary in response to similar conduct from a contractor or volunteer.
- (9) The District may not require or coerce an employee who makes an allegation of workplace harassment to enter into a nondisclosure or nondisparagement agreement unless it complies with ORS 659A.
- (10) District employees who makes a report of workplace harassment shall be provided all information required by law, including, timelines for relief for available administrative or judicial remedies.
- (11) All complaints of harassment directed toward non-employees should be addressed under the District's Nondiscrimination/Anti-Harassment Policy, 1.80.020-P.

Legal References: ORS 659A.001 et seq. ORS 342.700 to 342.708; ORS 342.865  
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Americans with Disabilities Act of 1990, 42 U.S.C. Section 12101 et seq. 29 CFR Part 1630

History: Adpt. 9/25/97; Amd. 2/99, 6/20

[5.10.061- AD Sexual Harassment Complaint Procedure](#)

# Portland Public School District 1<sup>st</sup> Reading

DATE OF FIRST READING (RECISION): MAY 25, 2021

**PUBLIC COMMENT FOR**  
**Policy 5.10.062-P:**  
**Sexual Harassment Staff to**  
**Student Policy**

**Recommended Recision**

---

The Portland Public School District is providing Notice of Proposed Revised Policy and Public Comment to offer interested parties reasonable opportunity to submit data or comments on the proposed policies noted below.

Public comment may be submitted in writing directly to the district or through the district website noted below. Written comments must be submitted by 5:00pm on the Last Date for Comment listed below.

**Last Date for Comment: June 15, 2021**

---

**Summary:** Sexual Harassment Staff to Student Policy 5.10.062-P

**1<sup>st</sup> Reading by:** Rita Moore  
Portland Public School Board

**Recommended for a 1st Reading for Recision by:**  
Portland Public Schools Board of Education  
Policy Committee

**Draft Policy Web Site:** <https://www.pps.net/Page/11911>

**Contact:** Rosanne Powell, Senior Board Manager  
**Address:** P.O. Box 3107, Portland, OR 97208-3107  
**Telephone:** 503-916-3741  
**E-mail:** [schoolboard@pps.net](mailto:schoolboard@pps.net)



## PORTLAND PUBLIC SCHOOLS

### OFFICE OF General Counsel

501 North Dixon Street / Portland, OR 97227

Telephone: (503) 916-3274

**Date:** May 18, 2021

**To:** School Board

**From:** Liz Large, Contracted General Counsel  
Mary Kane, Senior Legal Counsel

**Subject:** Staff Analysis Report to the Board- Policy Revision and Rescission

**Policy # and Name:** 1.80.020-P Non-Discrimination/Anti-Harassment Policy  
4.30.060-P Anti-Harassment Policy  
4.30.070-P Teen Dating Violence/Domestic Violence Policy  
5.10.030-P Grievance Procedure-Sex Discrimination  
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5.10.060-P Workplace Harassment Policy  
5.10.064-P Professional Conduct Policy

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### I. BACKGROUND

There have been a number of recent statutory revisions addressing harassment, including sexual harassment, in the workplace and within the educational setting. As we endeavored to incorporate the new requirements into our policies, we realized that this was an opportune time to organize these policies in a way that may provide ease of use for our students and staff. In some instances, policies were joined where there was overlap in content and focus. Other policies were out of date and had been replaced by other policies that were current with state law. A few policies required only that we update the definition of sexual harassment to align with current law.

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### III. ANALYSIS OF SITUATION

Staff conducted a review of the District’s policies focused on discrimination and harassment, including sexual harassment, to ensure that updates to state and federal law were accurately reflected in the policies. During the course of the review, it became apparent that some policies were not compliant with current law and others could be incorporated into a single policy. Below is a guide to the changes staff is suggesting for each policy and the rationale supporting these suggestions.

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		changes..
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5.10.062 Sexual Harassment-Staff to Student	Rescind. This policy is out of date and does not comply with the current statute. Pertinent items moved to Professional Conduct & Workplace Harassment policies.	Required by 342.704
5.10.064-P Professional Conduct Policy	Revise and renumber. Revisions to include definition of sexual harassment.	Required by 342.704

**IV. FISCAL IMPACT**

These changes are not expected to have a material financial impact.

**V. COMMUNITY ENGAGEMENT**

Because the substantive changes made to the policies were driven by legal compliance, no community engagement occurred in this process.

**VI. TIMELINE FOR IMPLEMENTATION/EVALUATION and COMMUNICATION PLAN**

Staff has already implemented the statutory provisions in their work around workplace/student harassment. PAT has been provided copies of all of the amended policies prior to the last work group meeting of the Board Policy Committee and once the policies have been approved, General Counsel’s office will work with the Title IX department and Human Resources to finalize processes in conformance with these policies and to include communications to students and staff through the Student Rights and Responsibilities and Employee Handbooks.

**VII. STAFF RECOMMENDATION**

Staff recommends that the Board accept the revision and rescission recommendations put forward in this report and as approved by the Policy Committee.

**I. I have reviewed this staff report and concur with the recommendation to the Board.**

Approved by Superintendent Direct Report

Signature

Date

**ATTACHMENTS**

Redline and clean copies of the following documents:

- 1.80.020-P Non-Discrimination/Anti-Harassment Policy
- 4.30.060-P Anti-Harassment Policy
- 5.10.060-P Workplace Harassment Policy
- 5.10.064-P Professional Conduct Policy

Copies of existing policies recommended for rescission:

- 4.30.070-P Teen Dating Violence/Domestic Violence Policy
- 5.10.030-P Grievance Procedure-Sex Discrimination
- 5.10.062 Sexual Harassment-Staff to Student

## 5.10.062-P Sexual Harassment – Staff To Student

### Recommend Rescind

#### (1) Sexual Harassment.

- (a) It is the policy of the Portland school district to maintain a school environment free of sexual harassment of students. No student shall be subjected to sexual harassment by its staff and volunteers or its contractors.
- (b) Sexual harassment is a form of sexual discrimination. Sexual discrimination and thus sexual harassment are distinct from sexual abuse and sexual assault.
- (c) Sexual harassment includes conduct, verbal or nonverbal, which denigrates or shows hostility to a student or students by reason of their gender. Examples of sexual harassment include:
  - (A) Language or action demeaning to students on the basis of gender;
  - (B) Ridicule and abuse on the basis of gender;
  - (C) Penalties or disadvantages imposed by reason of gender.
- (d) No employee or volunteer in the Portland school district shall subject any student to sexual harassment or require any student to submit to sexual harassment.
- (e) The district has an obligation to provide training to employees and volunteers in order to prevent sexual harassment of students.
- (f) The superintendent shall establish by regulation an effective complaint process, which shall be referenced in the "Handbook on Student Responsibilities, Rights and Discipline."
  - (A) District staff shall promptly respond to complaints of sexual harassment.
  - (B) District staff shall conduct a thorough, fair and impartial investigation of complaints. The investigation shall examine the instance alleged to determine if it constitutes a crime, professional misconduct, student discipline or need for supervisory action. An investigation shall respect all rights of all parties to a complaint.
  - (C) If investigation determines that corrective action is necessary, the district shall take such action.
  - (D) The district may take appropriate disciplinary action against individual members of the staff or volunteers if there is a true finding of misconduct. Actions taken shall be appropriate to the

## 5.10.062-P Sexual Harassment – Staff To Student

severity of the misconduct and designed for the purpose of ending misconduct and protecting the learning environment.

### (2) Additional Protections.

- (a) It is the policy of the Portland school district that each school shall take affirmative steps to assure that students are not subjected to any form of sexual harassment by staff or volunteers in any school, in any school program or at any time by any district staff or volunteer of their school.
- (b) Sexual harassment for the purposes of this section shall include any attempt by action or words to establish with a student an amorous, sexual, lascivious or lewd relationship, knowingly using lascivious or lewd language or gestures in the presence of a student, or permitting a student to continue acts or statements which can be reasonably perceived as attempting to establish an amorous or sexual relationship with the staff member or volunteer. Staff and volunteers shall promptly report any attempt by a student to establish an amorous or sexual relationship with a staff member or volunteer.
- (c) Staff or volunteers becoming aware of a violation of this section shall report the information to the principal. Principals shall immediately report to the school police for investigation every such incident, which comes to their attention. If staff or volunteers by action or words have attempted to establish with a student an amorous, sexual, lascivious or lewd relationship or permitted a student to continue to pursue such a relationship, it shall be clear grounds for dismissal, and a copy of the school police report documenting the circumstances shall be referred to the Teacher Standards and Practices Commission and the Personnel Office for appropriate action. Making an intentionally false report of sexual harassment shall also be grounds for dismissal. Failure of a staff member or volunteer to promptly report a student's romantic advances shall be handled by the principal.

## 5.10.062-P Sexual Harassment – Staff To Student

Legal References: ORS 243.706; ORS 659.010 (14); OAR 584-020-0040; ORS 342.700; ORS 659.020; OAR 584-020-0041; ORS 342.704; ORS 659.029; ORS 342.708; ORS 659.030; ORS 342.850; ORS 659.040; ORS 342.865; ORS 659.150; Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C.A., Section 2000(e) et seq. (West 1985); Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C.A., Section 621 (West 1985); Age Discrimination Act of 1975, as amended, 42 U.S.C.A., Section 6101 (West 1985); Equal Pay Act of 1963, as amended, 29 U.S.C.A., Section 206(d) (West 1985); Title IX of the Education Amendments of 1972, 20 U.S.C.A., Sections 1681, 1682 and 1683 (West 1985); Rehabilitation Act of 1973, 29 U.S.C.A. Sections 504, 791, 793 and 794 (West 1985); Americans with Disabilities Act of 1990, 42 U.S.C. Section 12101 et seq. 29 CFR Part 1630

History: Adpt. 8/11/94



# Portland Public School District 1<sup>st</sup> Reading

DATE OF FIRST READING: MAY 25, 2021

## **PUBLIC COMMENT FOR** **Policy 5.10.064-P:** **Professional Conduct Between** **Adults and Students Policy**

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The Portland Public School District is providing Notice of Proposed Revised Policy and Public Comment to offer interested parties reasonable opportunity to submit data or comments on the proposed policies noted below.

Public comment may be submitted in writing directly to the district or through the district website noted below. Written comments must be submitted by 5:00pm on the Last Date for Comment listed below.

### **Last Date for Comment: June 15, 2021**

---

**Summary:** Professional Conduct Between Adults and Students  
Policy 5.10.064-P

**1<sup>st</sup> Reading by:** Rita Moore  
Portland Public School Board

**Recommended for a 1st Reading by:**  
Portland Public Schools Board of Education  
Policy Committee

**Draft Policy Web Site:** <https://www.pps.net/Page/11911>

**Contact:** Rosanne Powell, Senior Board Manager  
**Address:** P.O. Box 3107, Portland, OR 97208-3107  
**Telephone:** 503-916-3741  
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## PORTLAND PUBLIC SCHOOLS

### OFFICE OF General Counsel

501 North Dixon Street / Portland, OR 97227

Telephone: (503) 916-3274

**Date:** May 18, 2021

**To:** School Board

**From:** Liz Large, Contracted General Counsel  
Mary Kane, Senior Legal Counsel

**Subject:** Staff Analysis Report to the Board- Policy Revision and Rescission

**Policy # and Name:** 1.80.020-P Non-Discrimination/Anti-Harassment Policy  
4.30.060-P Anti-Harassment Policy  
4.30.070-P Teen Dating Violence/Domestic Violence Policy  
5.10.030-P Grievance Procedure-Sex Discrimination  
5.10.062 Sexual Harassment-Staff to Student  
5.10.060-P Workplace Harassment Policy  
5.10.064-P Professional Conduct Policy

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### I. BACKGROUND

There have been a number of recent statutory revisions addressing harassment, including sexual harassment, in the workplace and within the educational setting. As we endeavored to incorporate the new requirements into our policies, we realized that this was an opportune time to organize these policies in a way that may provide ease of use for our students and staff. In some instances, policies were joined where there was overlap in content and focus. Other policies were out of date and had been replaced by other policies that were current with state law. A few policies required only that we update the definition of sexual harassment to align with current law.

### II. RELATED POLICIES/BEST PRACTICES

It is best practice to review policies regularly to determine whether they reflect current laws and practices. It is also best practice to provide a clear, concise, and legally compliant schedule of policies that is easily accessible and understandable.

### III. ANALYSIS OF SITUATION

Staff conducted a review of the District’s policies focused on discrimination and harassment, including sexual harassment, to ensure that updates to state and federal law were accurately reflected in the policies. During the course of the review, it became apparent that some policies were not compliant with current law and others could be incorporated into a single policy. Below is a guide to the changes staff is suggesting for each policy and the rationale supporting these suggestions.

Policy	Proposed Action	Rationale
1.80.020-P Anti-Harassment/NonDiscrimination Policy	Revise to add retaliation language	ORS 659 and ORS 659A prohibit discrimination and retaliation in the workplace and educational settings.
4.30.060-P Anti-Harassment	Revise and rename. Revision will incorporate parts of Teen Dating Violence Policy and requirements of ORS 342.704 as it relates to students. The amended document will retain the student-centered focus on cyberbullying and abuse but will now also address teen dating violence and other forms of sexual harassment.	Required by ORS 339.356, ORS 339.366, and ORS 342.704
4.30.070-P Teen Dating Violence/Domestic Violence Policy	Rescind. The language from the policy will be incorporated into 4.30.060-P. The process referenced in the policy has already been codified in <a href="#">4.30.072-AD Title IX Student to Student Sex-Based Discrimination and Harassment</a> .	Required by ORS 339.366
5.10.030-P Grievance Procedure-Sex Discrimination	Rescind. This policy was developed in 1976 to outline Title IX grievance procedures. It is out of date and should be rescinded. Title IX procedure has been incorporated into the Workplace Harassment AD and the Title IX ADs ( <a href="#">4.30.072-AD Title IX Student to Student Sex-Based Discrimination and Harassment</a> and <a href="#">X.XX.XXX-AD Staff to staff/student Sex-Based Discrimination and Harassment</a> .)	Title IX regulations were promulgated in August, 2020. This policy does not track the current obligations under Title IX. Because the U.S. Dept of Education has recently announced its intention to revisit and revise these regulations, we determined that the Title IX processes for investigations and appeals should sit in an administrative directive rather than a policy, so that they can be readily amended when the law

		changes..
5.10.060-P Workplace Harassment	Revise to add the additional definition of sexual harassment from ORS 342.704 to the definition found in ORS 659A and ORS 243.	Make compliant with ORS 342.704. Required by ORS 659A and ORS 243.
5.10.062 Sexual Harassment-Staff to Student	Rescind. This policy is out of date and does not comply with the current statute. Pertinent items moved to Professional Conduct & Workplace Harassment policies.	Required by 342.704
5.10.064-P Professional Conduct Policy	Revise and renumber. Revisions to include definition of sexual harassment.	Required by 342.704

**IV. FISCAL IMPACT**

These changes are not expected to have a material financial impact.

**V. COMMUNITY ENGAGEMENT**

Because the substantive changes made to the policies were driven by legal compliance, no community engagement occurred in this process.

**VI. TIMELINE FOR IMPLEMENTATION/EVALUATION and COMMUNICATION PLAN**

Staff has already implemented the statutory provisions in their work around workplace/student harassment. PAT has been provided copies of all of the amended policies prior to the last work group meeting of the Board Policy Committee and once the policies have been approved, General Counsel’s office will work with the Title IX department and Human Resources to finalize processes in conformance with these policies and to include communications to students and staff through the Student Rights and Responsibilities and Employee Handbooks.

**VII. STAFF RECOMMENDATION**

Staff recommends that the Board accept the revision and rescission recommendations put forward in this report and as approved by the Policy Committee.

**I. I have reviewed this staff report and concur with the recommendation to the Board.**

Approved by Superintendent Direct Report

Signature

Date

**ATTACHMENTS**

Redline and clean copies of the following documents:

- 1.80.020-P Non-Discrimination/Anti-Harassment Policy
- 4.30.060-P Anti-Harassment Policy
- 5.10.060-P Workplace Harassment Policy
- 5.10.064-P Professional Conduct Policy

Copies of existing policies recommended for rescission:

- 4.30.070-P Teen Dating Violence/Domestic Violence Policy
- 5.10.030-P Grievance Procedure-Sex Discrimination
- 5.10.062 Sexual Harassment-Staff to Student



## **Professional Conduct Between Adults and Students**

### **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



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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.

#### **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



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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



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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 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.



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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.



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#### ***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.

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.



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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



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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, 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).



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### 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 that would be considered sexual harassment under the District's Non-Discrimination/Anti-Harassment Policy (1.80.020-P);
2. [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<sup>\[1\]</sup> 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; \[and\]\(#\)](#)
- 2.3. [Assault when sexual contact occurs without a student's](#)



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consent because the student is under the influence of drugs or alcohol, is unconscious<sup>[2]</sup><sup>[3]</sup>, or is pressured through physical force, coercion or explicit or implied threats.



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

- 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.

3-4. Bullying or other violations of the District's Anti-Harassment Policy 4.30.060-P.

4-5. Favoring a student when its purpose is to meet the adult's personal needs rather than the student's needs;

5-6. Inviting individual students to the adult's home without parental



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notice and approval unless otherwise noted in “Exceptions” section of the policy;

- ~~6.7.~~ 7. Being in the company of students who are consuming alcohol, drugs, or tobacco without intervening and reporting the conduct to appropriate personnel;
- ~~7.8.~~ 8. Sending or accompanying a student on personal errands or travel unrelated to any legitimate educational purpose;
- ~~8.9.~~ 9. Telling a student to keep something secret from other adults;
- ~~9.10.~~ 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;
- ~~10.11.~~ 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;
- ~~11.12.~~ 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.

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, skypeing, 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.



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- 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



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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 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.



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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; Amended 1/ /2021; Amended 6 /2021

## 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.
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emotional boundaries unless the purpose of the interaction is to serve a legitimate educational purpose.

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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.

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### **3. Group Text Messages**

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## ***E. IN-PERSON INTERACTIONS***

### **1. One-on-one meetings with students**

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### **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, 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, that would be considered sexual harassment under the District's Non-Discrimination/Anti-Harassment Policy (1.80.020-P);
2. 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:

- 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.

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

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

5. Inviting individual students to the adult's home without parental

notice and approval unless otherwise noted in “Exceptions” section of the policy;

6. Being in the company of students who are consuming alcohol, drugs, or tobacco without intervening and reporting the conduct to appropriate personnel;
7. Sending or accompanying a student on personal errands or travel unrelated to any legitimate educational purpose;
8. Telling a student to keep something secret from other adults;
9. 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;
10. 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;
11. 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.

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 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; Amended 2/9/2021