



Board of Education Informational Report

MEMORANDUM

Date: April 15, 2019

To: Board of Education

From: Stephanie Soden, Executive Chief of Staff

Subject: Update on Implementation of Recommendations Related to Whitehurst Investigation

On May 10, 2018, the Board accepted a report and recommended action steps to be taken as a result of the external investigation into former PPS employee Mitch Whitehurst and related incidences of sexual misconduct. The report included sixteen concrete recommendations that would, in the investigatory team's expert opinion, reduce incidences of and ensure prompt response to reported incidences of sexual harassment and/or sexual misconduct in a school or district setting.

An implementation team led by the Executive Chief of Staff meets regularly to monitor and report progress and identify solutions. Membership of the implementation team is listed below for your reference.

- Dr. Yvonne Curtis, Deputy Superintendent, Instruction and School Communities
- Mary Kane, Senior Attorney in the Office of General Counsel
- Alex Kahl, Sexual Incident Response Coordination (SIRC) Coordinator
- Liz Large, Interim General Counsel
- Brenda Martinek, Chief of Student Support Services
- Sharon Reese, Chief Human Resources Officer
- Lisa Rogers, Senior Manager, Employee and Labor Relations
- Elisa Schorr, Interim Title IX Coordinator
- Stephanie Soden, Executive Chief of Staff
- Courtney Westling, Government Relations Director

This is the fourth quarterly report on implementation progress. Below you will find a complete list of the recommendations and corresponding deadlines, as well as notes on progress and updates.

| Recommendation | Deadline Notes |
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| 1. Train and require employees to document all sexual conduct allegations, concerns and complaints and report them to the Title IX coordinator or a similar designee | <p>By 8/31/18 and ongoing</p> <p>Attached is a detailed matrix of completed and planned trainings for all employee groups.</p> <p>Trainings continue to be developed and offered by Legal, Human Resources, the SIRC Facilitator, and the Interim Title IX Coordinator.</p> |
| 2. Use a specialized, trained investigator who has expertise in employee/student sexual conduct and can investigate each complaint thoroughly and fairly | <p>By 10/31/18 and ongoing</p> <p>Internal expertise is currently being developed through staff trainings of Title IX, Sexual Incident Response Committee (SIRC) and Adult Sexual Misconduct Response (ASMR) protocols. At the December 13 Leadership training, Joy Ellis trained administrators on how to conduct a thorough investigation. She was joined by the HR Employee and Labor Relations team to answer questions about specific PPS processes.</p> |
| 3. Have a core group of multidisciplinary administrators make credibility decisions and agree regarding what level of discipline to impose, if any | <p>By 7/31/18 and ongoing</p> <p>School Compliance Officers (SCO) have been designated in every building to review all SIRC cases and identify the appropriate members of level one and two teams (counselors, SROs, SPED teams). All administrators have been trained in the SIRC protocol and specific cohorts are receiving additional training to review the investigatory process and document their experiences and lessons learned over the last 6 months.</p> <p>For allegations of staff misconduct, HR, Legal, and administrators meet regularly to discuss investigative findings and ensure appropriate disciplinary outcomes.</p> |

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| 4. Implement a centralized tracking mechanism to document all sexual conduct complaints, including their outcome | <p>By beginning of 2019-20 school year</p> <p>Origami Risk software is the vendor selected to track and document all employee incidents, including sexual conduct complaints. HR, Legal, and IT are meeting weekly with Origami to build the PPS Employee Incident Tracking system. Implementation is scheduled for June 30, 2019.</p> <p>The Interim Title IX Coordinator currently tracks all sexual harassment and sexual assault incidents involving PPS students that are referred to her. In addition, administrators have access to a new online portal to upload assessments and safety plans so that the Title IX Coordinator, SIRC Coordinator and other staff in the Office of School Support Services can review and provide guidance.</p> |
| 5. Change the district's union contract with PAT to ensure the protection of students | <p>By 12/31/19</p> <p>As of April 2, 2019, PAT/PPS entered into a one-year contract extension that includes an agreement to engage in Interest-Based Bargaining on, among other student safety issues, the treatment of personnel files with employee moves and the draft Professional Conduct Policy. PAT and PPS teams will begin the IBB process at the end of April.</p> |
| 6. Review and change the district's other union contracts as appropriate to similarly ensure the protection of students | <p>By 12/31/19</p> <p>Human Resources staff has reviewed all of current collective bargaining agreements and identified language that is slated for revision. Negotiations will begin soon with PFSP, ATU, and SEIU.</p> |
| 7. Improve the sexual conduct prevention and identification training provided to PPS employees | <p>By 10/31/18 and ongoing</p> <p>See comprehensive training list provided in #1.</p> <p>Additional training is being developed and implemented by the SIRC Facilitator.</p> |

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| 8. Require sexual conduct prevention and identification training for PPS volunteers and contractors | <p>Originally estimated to be completed by 12/31/18 New deadline: 8/28/19</p> <p>Child abuse and Adult Sexual Misconduct Response (ASMR) trainings were updated in fall 2018 and added to the PPS volunteer website. Volunteers must now confirm that they have completed these trainings when their background check is conducted.</p> <p>In addition, a cross functional staff team is preparing a recommendation for a software vendor to manage all volunteer registration, training, compliance and tracking for PPS with the goal of implementing the software by the start of 2019-20 school year.</p> <p>HR and Legal are working to identify contractors with possible student contact and develop appropriate training.</p> |
| 9. Improve the sexual conduct prevention and identification training provided to PPS students | <p>By 12/31/18</p> <p>New middle school health and sexual well-being curriculum was rolled out in 2018-19. Health curriculum in development for K-5 will include safe body information.</p> <p>Staff continues to collect student-led/staff-led best practices and inventory of resources to implement and advertise district-wide</p> <p>A contract is currently under negotiation for student-student training in all schools throughout 2018-19 school year</p> |
| 10. Fix the materials relating to sexual conduct on the PPS website | <p>Completed</p> <p>Title IX web page updated and enhanced: https://www.pps.net/titleix</p> |
| 11. Exercise transparency and do not enter in resignation agreements that restrict disclosure of possible sexual conduct | <p>Completed and ongoing</p> |

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| 12. Implement an adult/student boundaries policy | <p>By 10/31/18</p> <p>PAT and PPS have agreed to engage in Interest-Based Bargaining on the draft Professional Conduct Policy. PAT and PPS teams will begin the IBB process at the end of April.</p> <p>The PPS Field Trip policy was revised and approved by the Board on 3/19/19.</p> |
| 13. Lobby for changes outside the district that will make Oregon safer for students | <p>By 7/31/19</p> <p>The three bills related to sexual misconduct have been consolidated into one (Senate Bill 155), now the vehicle for the sexual conduct definition change, the TSPC timeline tightening, alignment with ESSA, and some other technical changes. Additionally, Senator Gelser has taken the opportunity to tighten some loopholes at DHS through this bill as well as adding investigatory authority at ODE for unlicensed school staff, contractors and volunteers. The bill was referred out of the Senate Education Committee to the Senate Rules Committee on 4/8/19. Additional amendments are expected to finalize and move the bill.</p> |
| 14. Revise AD 5.10.063 – to clarify that there is sufficient cause for corrective action without all four elements of sexual conduct | <p>By 8/31/19</p> <p>The District has revised and implemented AD 5.10.063. We are currently analyzing if the impacts of implementation trigger any mandatory bargaining discussions with our five bargaining units.</p> |
| 15. Require employees to check with the HR department before giving a reference to another employee or serving as a reference | <p>In process</p> <p>The implementation team is assessing options for policy/protocol changes, enforcement and deadline for completion.</p> |
| 16. Designate a liaison between the PPB and the district to monitor cases involving allegations of sexual conduct by a PPS employee | <p>By 9/30/18 completed</p> <p>Mary Kane is the PPS designee. PPS regularly coordinates with the PPB Sex Crimes Unit during investigations into alleged employee sexual misconduct.</p> |

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| 17. Hire permanent Director of Title IX Policy, Training and Compliance | Position currently occupied by Interim Title IX Coordinator; professional recruitment contract launched 1/15/19 after multiple attempts at filling this position. |
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