



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



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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.



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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.



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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.

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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