

	<p>Administrative Directive</p> <p>Harassment, Sexual Violence, and Teen Dating Violence Procedures and Prevention – Students</p>	<p>4.30.071-AD</p>
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In accordance with Board Policies 1.80.020-P Non-Discrimination/Anti-Harassment and 4.30.070-P Teen Dating Violence, this directive establishes procedures for the education, intervention, and where appropriate, consequences for acts of harassment, sexual violence, sexual harassment, and teen dating violence.

This directive applies:

1. To behavior on District property, at or during school-sponsored athletics or other activity, on school-provided transportation, at any official school bus stop, and in all instances that student discipline applies as provided in the Student Discipline Procedures 4.30.020-AD, including when student behavior disrupts the school environment.
2. To conduct by any adult or student when a student is the victim and the behavior occurs on school grounds, at or during any school sponsored activity, on school-provided transportation, at any official school bus stop, or the consequences of the behavior disrupts the school environment.

I. Definitions

- A. “Harassment” means all forms of harassment, intimidation or bullying, acts of cyberbullying, sexual harassment, and sexual violence.
 1. Harassment, intimidation, or bullying of students is an act that substantially interferes with a student’s educational benefits, opportunities or performance or 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 may be based on, but not limited to, the protected class status of a person. The District will look at the totality of the circumstances in which the behavior occurs to determine whether a hostile environment exists.
 2. Cyberbullying is the use of any electronic communication device to harass, intimidate, or bully.
 3. Sexual harassment and sexual violence where a student is the victim 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, or any physical conduct of a sexual nature perpetrated against a student's will or when a student is unable to communicate consent. Such conduct includes but is not limited to sexual assault, sexual exploitation, sexual coercion, sexual abuse, and teen dating violence, and other sex-based harassment.

- 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, reporting, or supporting a claim of harassment if the impact might deter a reasonable person from making such a claim.
- D. "Sexual orientation" means a person's sexual identity in relation to the gender to which they are attracted.
- E. "Gender identity" is a person's deeply held sense of psychological knowledge of their own gender, regardless of the gender they were assigned at birth. Sometimes referred to as a person's affirmed gender.
- F. "Quid Pro Quo" Sexual Harassment occurs when a school employee, such as a teacher, causes a student to believe that they must submit to sexual conduct, sexual advances, grant sexual favors, or that accepting or rejecting of such conduct or communications will be used as a factor in decisions affecting the student's education or environment.
- G. "Hostile Environment" Sexual Harassment means conduct of a sexual nature that is sufficiently serious that it interferes with, limits, or denies a person the ability to participate in or benefit from a program, education, or environment.
- H. "School Compliance Official" (SCO) shall be the Principal of each school, unless the Principal delegates those responsibilities in writing to a named staff member.
- I. "Title IX Director" is the person designated by the Superintendent to coordinate the District's compliance with Title IX. The Title IX Director is responsible for overseeing the SCO's investigation of student on student sex-based harassment.

II. Harassment Allegation Procedures

- A. If a student is the alleged perpetrator of 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 alleged 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 4.50.032-P and 4.50.031-AD.
5. Students who are found in violation of this policy 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 *Student Responsibilities, Rights and Discipline Handbook*.

III. Sexual Harassment Allegation Procedures

Allegations of sexual harassment, including sexual violence, sexual assault, gender harassment, and stereotyping, when a student is the victim or the alleged offender shall be reported and investigated as follows:

Responsibilities

- A. The Title IX Director's core responsibilities under this procedure include tracking the District's response to complaints of sexual harassment, assisting in determining the appropriate response and remedial actions, and identifying and addressing any patterns or systemic problems revealed by such complaints.
- B. The District's Title IX Director will receive regular training on sexual harassment and violence and how to best respond to and prevent them on a District-wide basis.
- C. The District's Title IX Director can be reached at:

Title IX Director
501 N. Dixon, Portland, OR 97227
503.916.3340
titleIX@pps.net
- D. The Title IX Director shall ensure support services are developed and available to student survivors of sexual harassment and assault in the District and coordinate a prevention education program as outlined below.
- E. School Compliance Officials shall be responsible for posting required notices at schools, receiving reports and complaints,

conducting investigations with the assistance of the SIRC facilitator and the Title IX Director. The SCO will also relay all complaints to the Title IX Director, the Senior Director, and when an employee is involved, Human Resources, and implement any school-based safety plans and remedies.

Reporters

- A. Self-report, Students: Students who believe they have been subjected to sex-based harassment or retaliation are encouraged to inform a teacher, counselor, administrator, The Title IX Director, or the School Compliance Officer as soon as possible.
- B. Witness report, Students: Students who witness or have reliable knowledge of sex-based harassment or retaliation against any student are encouraged to report their concerns to a teacher, counselor, administrator, the Title IX Director, or the School Compliance Official as soon as possible.
- C. Witness report, Staff: District employees who witness or have reliable knowledge of prohibited conduct against any student or who receive such a report shall immediately report the conduct to their supervisor, principal, or School Compliance Officer. Employees with reasonable cause to suspect child abuse or neglect must also meet mandatory reporting requirements and contact DHS Child Welfare or law enforcement. An employee who fails to report prohibited conduct may be subject to disciplinary action, up to and including dismissal.

Reports

- A. A report can be submitted by anyone. The report must describe the specific acts, conditions, or circumstances that are alleged to be discriminatory, and why the Complainant believes that discrimination has occurred. Reports may be made anonymously.
- B. Reports received by employees need to be relayed to the School Compliance Officer and Title IX Director within 24 hours of receipt. If the report involves a school employee, the School Compliance Officer shall relay it to Human Resources at the same time as he/she reports it to the Title IX Director and to the Senior Director. Human Resources will work with the General Counsel's Office in coordinating the investigation of any employee.

Investigation

- A. All reports of conduct that might violate this administrative directive shall be investigated.
- B. If a student is the alleged perpetrator of the harassment, the following procedures shall apply:

1. Complainant:

- a. The School Compliance Official (SCO) is responsible for investigating claims of student harassment. The SCO will meet with the Complainant and their parents or legal guardians. The SCO may defer the investigation of the allegations for a short period of time if law enforcement or DHS conducts an investigation and makes that request.
- b. The SCO will acknowledge receipt of a written complaint to the Complainant within 24 hours.
- c. The Complainant will be given the opportunity to provide a written statement, provide evidence, and identify witnesses.
- d. Investigations can be conducted without the cooperation of the victim of the sex-based harassment.
- e. The Complainant may request a change of placement pending the resolution of the investigation.

2. Respondent

- a. The Respondent and parent or legal guardian will be notified of the investigation and will be offered a meeting time for an interview to discuss the allegations.
- b. The Respondent will be given the opportunity to provide a written statement, provide evidence, and identify witnesses.
- c. The District may place the respondent in an alternative educational placement pending the resolution of the investigation.

3. Investigation Procedure: Upon a report or knowledge of an incident of harassment or retaliation, the SCO shall assure it is promptly investigated.

- a. The SCO will follow the Sexual Incident Response Committee (SIRC) protocols by determining whether there is a need for an assessment. The SCO will then convene the building site team to develop a safety plan. The team will meet regularly to review the plan.
- b. The investigation shall be completed promptly and within 60 calendar days unless circumstances do not allow for reasonable completion within that time. In those instances, the Complainant will receive written notification of the delay and an expected date for completion of the investigation.
- c. The investigator will interview witnesses and other parties deemed appropriate by investigator. Interviews will be recorded on an Interview Report Form and on a witness log. The investigation will also collect materials that may help in

the investigation including: text messages, video footage, social media posts, and any other form of correspondence relating to the complaint.

- d. The investigator will gather their findings and assessment in an Investigation Report. The report will include a summary of allegations, the scope of the investigation, findings of fact, a conclusion (based on the preponderance of evidence standard), and any recommendations for corrective action.
- e. The final Investigation Report, including findings of whether a violation occurred, will be made available to the Complainant and the Respondent and to the Title IX Director.
- f. When required by law, the SCO or Title IX Director will report sex –based harassment to the proper authorities, including but not limited to law enforcement and the Department of Human Services.
- g. If a District employee is the perpetrator of the alleged harassment, the complaint will be handled by Human Resources in conjunction with the Title IX Director and the Office of General Counsel.
- h. Complainant and Complainant’s parent or legal guardian will receive a written notification setting forth the rights of the Complainant; information about the internal complaint process; notice of both the civil and criminal remedies that may be available to the Complainant and that may be subject to statutes of limitations; information about District and community support services; and privacy rights of the Complainant.

4. Appeals: Complainants not satisfied with the decision at the school level may request a review of the decision by filing a formal complaint in writing to the Title IX Director. For further appeal, the Complainant may file a written complaint to the Superintendent. All decisions from the Superintendent are final.

- a. The Title IX Director will receive the investigator’s Investigation Report, as well as any evidence offered from the Complainant and Respondent during the initial investigation.
- b. The Title IX Director will file a response to the appeal within 30 days of receipt of the appeal.
- c. At any time before, during, or after this process, a Complainant may file a complaint with the U.S. or Oregon Department of Education.

IV. Confidentiality and Safety

- 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.
- B. Safety of the Complainant and Survivor: In matters of sexual harassment or sexual violence, the District will take steps to support the physical and emotional safety of the Complainant or Survivor of the harassment or violence if different from the Complainant. The School Compliance Officer and the Title IX Director shall work in conjunction to assess and offer options for Complainant and Survivor safety, as well as other services or options for support as appropriate to the particular circumstances.
- C. 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. In cases of sexual harassment and sexual violence, the Survivor of the harassment or violence will be notified of outcomes to the extent allowable by law.

V. Student Sexual Abuse Prevention Instructional Program

- A. The Title IX Director will oversee the development and maintenance of a sexual abuse prevention instructional program that shall include:
 - a. Developmentally appropriate, culturally sensitive, and evidence-based instruction for each grade level;
 - b. A minimum of four instructional sessions per school year, with each year's instruction building on the previous year's instruction;
 - c. Age-appropriate curriculum to educate students regarding child sexual abuse prevention;
 - d. Instruction providing students with the knowledge and tools to communicate incidents of sexual abuse;
 - e. Instruction regarding "safe touch," "unsafe touch," "safe secrets," "unsafe secrets," and how to escape and report a sexual abuse situation;
 - f. Techniques to recognize child sexual abuse, skills to reduce vulnerability and encouragement to report child sexual abuse;
 - g. An evaluation component with measurable outcomes;
 - h. A professional training component for administrators, teachers, and other school personnel regarding communicating child sexual abuse prevention techniques to

students, effects of child sexual abuse on children, receiving child sexual abuse reports, and disclosures and mandated reporting; and

- i. A parental involvement component to inform parents or legal guardians about child sexual abuse topics, including characteristics of offenders, "grooming" behaviors, and how to discuss child sexual abuse prevention with children.

VI. Notice

- 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, sexual violence, and teen dating violence on a sign at least 8.5 by 11 inches in size. It shall also be included annually in the *Student Responsibilities, Rights and Discipline Handbook*, 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 have made reports of sexual harassment will receive a written notification setting forth their rights; information about the internal complaint process; notice of both the civil and criminal remedies that may be available and that may be subject to statutes of limitations; information about District and community support services; and privacy rights.

ORS 339.336; ORS 339.351; ORS 342.704

Policy Implemented: 1.80.020-P; 4.30.070-P
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