



## 5.10.061-AD Workplace Harassment Complaint Procedure

We expect all PPS employees to have a workplace that is safe, welcoming, and free of harassment. Reporting, investigating, and administering corrective action for workplace harassment, including sexual harassment, shall be done respectfully and thoroughly and under the following procedures:

### (1) **Reporting:**

- (a) Any employee who experiences harassment at work by another person (including supervisors, co-workers, contractors, or visitors) should immediately alert their supervisor or manager, even if they are able to resolve it directly in an informal manner. If the complaint involves the employee's direct supervisor or if the employee feels unsafe reporting to their supervisor, the employee may report to another supervisor or directly to the Department of Human Resources.
- (b) Employees may also report any incident(s) using the Department of Human Resources complaint line (503-916-2990) or email ([hrlegal@pps.net](mailto:hrlegal@pps.net)). If employees report directly to their supervisor, the supervisor will make the report to the complaint line. Upon receiving the report, HR will provide a copy of 5.10.060-P and this Administrative Directive to the employee. The employee will also be provided information about when the investigation is initiated, as well as legal resources and counseling and support services, which may include district-provided assistance services ([hyperlink to notice](#)). For allegations of sexual harassment or assault, employees will also be provided with a list of additional support services.
- (c) If an employee reports the incident to their supervisor but feels the response or resolution is inadequate, biased, or otherwise compromised, the employee should report their concerns to the Department of Human Resources.
- (d) In addition to the reporting options listed above, employees may report sexual harassment to the District's Title IX Director. [TitleIX@pps.net](mailto:TitleIX@pps.net) or (503) 916-3036.
- (e) The District will investigate reports or complaints under this AD that are filed within five years of the date the alleged harassment occurred.

### (2) **Investigation:**

- (a) Investigations shall be fair, prompt, impartial, and involve a thorough exploration of the alleged facts.

- (b) All parties should be interviewed and have the opportunity to suggest relevant witnesses or provide direct or indirect evidence such as text messages, emails, photos, video, social media, or other relevant information. **5.10.061- AD**
- (c) Employees who report or are the subject of a report of harassment shall be given a fair and impartial opportunity to communicate their complaint, defend their actions, and/or report their observations.
- (d) Employees who in good faith report harassment or participate in an investigation shall not be subject to any threats, intimidation, coercion, interference, or other retaliatory act as a result of filing a complaint or assisting in an investigation.
- (e) Investigation reports, relevant evidence, and related discipline evidence shall be maintained by the District.

To the extent possible, the District will address complaints under this AD in a private, need-to-know manner; however, the District may not be able to maintain anonymity during its investigation. Every effort will be made to protect the reporter's privacy to encourage reporting incidents of workplace harassment and to protect the reputation of any employee with an unfounded accusation of workplace harassment.

(3) **Corrective Action or Resolution:**

- (a) Any employee determined to have violated the workplace harassment policy 5.10.060-P, non-discrimination policy 1.80.020-P, or other District standards of conduct for employees may be subject to disciplinary action up to and including dismissal;
- (b) Contractors, agents, or volunteers who are not PPS employees will be informed of the District's harassment policy following a report. The District may take other remedial action at its discretion.
- (c) The District will provide notice to the complainant once the investigation has concluded and will include information as to whether harassment was found to have occurred.
- (d) The District will follow up with employees who have been subject to workplace harassment once every three months for the calendar year following the date of the complaint to determine whether further harassment has occurred and to confirm that there has not been retaliation. Employees who do not wish to receive follow-up shall inform the District in writing.

(4) **Supervisor Responsibilities:**

Each supervisor is expected to be knowledgeable about workplace harassment, including sexual harassment. Supervisors are responsible for staying vigilant and guiding employees on what behaviors constitute appropriate professional interactions and relationships, for supporting employees when problems arise, and for reporting complaints or concerns about harassment to the Department of Human Resources.

## (5) Reporting Options

- (a) Nothing in 5.10.060-P or this Administrative Directive **5.10.061- AD** prevents any person from seeking a remedy under any other available law, whether civil or criminal. Nothing in 5.10.060-P or in this Administrative Directive prevents an employee from filing a grievance under a collective bargaining agreement (CBA) or a complaint with the Oregon Bureau of Labor & Industries (BOLI) or the Equal Employment Opportunity Commission (EEOC); or, if applicable, the U.S. Department of Labor (USDOL) Civil Rights Center. Employees may also file a complaint with the Oregon Department of Education's Office for Civil Rights.
- (b) An employee must provide advance notice of any claim against the District as required by ORS 30.275.
- (c) An employee who files a complaint with the State of Oregon Equal Opportunity Office or directly through the USDOL Civil Rights Center must file the signed, written complaint within 180 days of when the alleged discrimination or harassment occurred.

## (5) Settlement Agreements

- (a) As required by ORS 659A.370, the District shall not enter into an agreement with an employee or prospective employee who has alleged they experienced workplace harassment, as a condition of employment or the receipt of benefits or compensation, that contains a nondisclosure provision, a nondisparagement provision, or any other provision that has the purpose or effect of preventing the employee from disclosing or discussing alleged workplace harassment unless:
    - i. The employee who has made the claim of workplace harassment requests the inclusion of one or more of the following provisions: 1) a nondisclosure or nondisparagement provision; 2) a provision that prevents disclosure of factual information relating to the claim of workplace harassment; or 3) a no-rehire provision that prohibits the employee from seeking reemployment with the District as a term or condition of the agreement. The agreement must provide the employee at least seven days after signing the agreement to revoke it.
  - (b) If the District determines that an employee has engaged in workplace harassment, including sexual harassment, the District may condition entering into a settlement with that employee that the agreement include: 1) a nondisclosure or nondisparagement provision; 2) a provision that prevents disclosure of factual information relating to the claim of workplace harassment; or 3) a no-rehire provision that prohibits the employee from seeking reemployment with the District.
- (6) The District shall make 5.10.060-P and this Administrative Directive available to all employees, and it shall be made a part of district orientation materials provided to new District employees at the time of hire.

Policy Implemented: [Workplace Harassment 5.10.060-P](#)

**5.10.061- AD**

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