

NOTICE OF RESPONDING PARTY (RESPONDENT) RIGHTS & RESOURCES

Rev. 04.23.24



Title IX of the Educational Amendments of 1972 ensures that every student has the right to access an education free of harassment or discrimination and reads as follows:

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

Under Title IX, the following are considered forms of sexual harassment and are prohibited: sexual harassment including engaging in unwelcome conduct that is so severe, pervasive, and objectively offensive that it effectively denies a student equal access to a school’s education program or activity, sexual assault, dating violence, stalking or cyberstalking. For more detailed definitions please visit www.pps.net/titleix.

The responding party, also called the ‘respondent’ is the person alleged to have been involved in an incident or behavior that is prohibited under Title IX, the [PPS Student Rights & Responsibilities](#) and/or other PPS policy including [1.80.020-P Nondiscrimination/Anti-Harassment](#) and [4.30.072-AD Title IX Student to Student Sex-Based Discrimination and Harassment](#).

Receiving this Notice of Responding Party Rights & Resources does not mean that we determined you harmed someone nor does it mean you violated any policy. This notice is simply to alert you to a report or allegation that was recently made by another PPS student, which **may** require an investigation to gather all the facts and determine what occurred.

Brief description of the nature of the report/complaint being considered:

School-Based Title IX Coordinators

School-based Coordinators (SBCs) are the first level of intervention when gender-based harassment or discrimination of any kind occurs. As a learning organization, our goal is to ensure students understand what is expected at school and how this may differ from other environments they frequent outside of school (work, church, home, etc.). When students struggle to adhere to these expectations, our job is to teach them the lagging skills needed to be successful. In some cases, the response may be educational, providing students with specific opportunities for learning, growth, and accountability. In others, such as a single severe incident of harm at

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school (ex: sexual assault), a formal investigation may be required. For more on the role of the school-based coordinator, check out the [FAQ](#).

Leveled interventions

In 2022, PPS created the [Title IX Leveled Responses & School Supports](#), a leveled system providing progressive interventions to challenging student behaviors along with a menu of options that supports school climate and provides students with opportunities for transformative social-emotional learning. The underlying philosophy is that when we intervene early, we prevent a lot of harm that might otherwise occur - and as a learning organization, our primary role is to educate children. We fundamentally believe that when children are offered opportunities for learning by caring, trusted adults at school, they will naturally want to be positive and productive members of their school community. The district office supports this critically important work happening in our PPS schools by offering them a leveled, progressive framework that includes criteria for the level of response required and resources/interventions at every level. For Levels 1-3, the designated School-Based Coordinator manages and tracks the information (see [FAQ SBCs](#)). At Level 4, the district office must be notified and the Compliance Manager will coordinate the response/investigation with the SBC.

Contextual and mitigating factors

The district will always consider contextual and mitigating factors when determining the appropriate response. For all Title IX matters, school-based coordinators are directed to intervene early with appropriate psychoeducational interventions and resources that demonstrate and teach PPS students about the expectations of school and how to be a positive member of the school community. When a student is unable to meet the expectations of school, we consider the following factors:

- Student's prior conduct. Is this the first time the student engaged in this behavior? If not, it may be persistent. Is the behavior developmentally appropriate or is there concern about exposure to pornography or child abuse? Take into account the student's age, health, ability, etc.
- Is there an immediate and imminent risk to student safety?
- What (if any) cultural or linguistic factors may have played a role?
- Who was harmed by this behavior (impact)? Did the behavior have the effect of denying someone their right to an education even for a short time?
- Is the student willing to be accountable, apologize, and/or participate in some form of restoration?
- How many students or other members of the school community were impacted (how pervasive)?
- What supportive measures can be immediately offered to those impacted by what happened? This may be academic accommodations, referral to counseling, class change, etc.
- What are appropriate interventions or supplemental educational activities that can address this behavior?
- Based on preliminary info gathered, if there is a concern that a child is being abused by an adult, we will make an immediate call to the DHS Child Abuse Hotline.

School-based investigations

A school-based investigation is not the same type of investigation that police or a law enforcement agency would conduct. Schools can't send anyone to jail so the standard of proof required differs. Rather than *reasonable doubt* (required to convict someone of a crime and send them to jail), school discipline only needs to meet the *preponderance of the evidence* standard (more likely than not). School-based investigations DO collect and review evidence, ask questions to determine the facts of the matter, and when needed, make credibility

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assessments (when perspectives differ so significantly that it is clear a person is not telling the truth). A report or complaint made in “good faith,” will not lead to adverse disciplinary action against a complainant¹.

School discipline

The most significant consequence that a school can apply is suspension or expulsion for a period of time. However, this occurs extremely rarely and is reserved for the most serious and dangerous behaviors. If the report contains information that may include a crime, the school administrator may consult with or refer the matter to local law enforcement. These steps are coordinated in collaboration with the reporting party and their parent(s)/guardian(s).

PPS values related to discipline:

- School personnel and parents/caregivers are responsible for encouraging students' appropriate behavior.
- School personnel are expected to use a continuum of positive behavior interventions, strategies, and supports to teach, encourage and reinforce appropriate behaviors conducive to a learning environment.
- School personnel are expected to intervene early and start the discipline process at the lowest possible level reasonably calculated to change the student's behavior and minimize loss of instructional time.

Safety and Support at School

The priority of Title IX policy and response is student safety. Once you let PPS know what happened, we will take immediate steps to ensure both parties (if applicable) are safe and protected from further harm. This may include a request that the parties cease communication using a *No Contact Order* or *Stay Away Agreement* and/or the implementation of safety or supportive measures in your school. Remember - you do not have to go through this alone. Please visit the [Student/Family Title IX website](#) for a full list of resources.

The following are examples of “interim safety or supportive measures” that may be available during the investigation (and beyond when appropriate). Discuss these with your SBC.

- ☐ Referral to counseling or school-based mental health provider
- ☐ Referral to school-based health clinic
- ☐ Implementation of a No Trespass Order
- ☐ Academic accommodations such as extensions on class assignments or short-term postponement of tests/exams
- ☐ Changes to your class schedule (note: we cannot forcibly remove another student from a class without due process. However, we may be able to work with families who wish to voluntarily request a schedule change).
- ☐ Escorts provided to/from class, during passing time, to/from the school bus, etc. by a Campus Security Agent (CSA). Only available in middle/high school.

¹ Bad faith reports (intentionally false, misleading or intended to cause harm or embarrassment to the Respondent) will result in a finding of “unfounded” and can lead to disciplinary action against the Complainant.

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- ☐ Restrictions on contact between the parties (No Contact Agreement or Stay Away Plan)
- ☐ Leave of absence from school
- ☐ School-based safety or support plan (short-term or long-term)
- ☐ Monitoring of certain areas of campus
- ☐ Other reasonable academic accommodation

Respondent and their Guardian/Parent's Have the Right To...

1. Attend District schools and activities free from harassment or discrimination;
2. Know what prohibited behavior or policy they are alleged to have violated;
3. A fair, neutral, unbiased, impartial, and thorough review of the facts;
4. Fully participate in the investigation, which may include presenting evidence (texts, screenshots, video, etc.), suggesting witnesses or other corroborating information about what occurred;
5. School (or district) provided support and guidance;
6. To be treated with respect and compassion throughout the investigation;
7. To have an advisor of your choice throughout the process. This can be a parent, guardian, counselor, advocate, attorney or another trusted adult whose role is to provide support;
8. To a disciplinary hearing led by a neutral hearings officer (if appropriate);
9. To appeal the outcome based on additional information not previously available or a perceived or real procedural violation.

School Discipline

Depending on the severity of the behavior, a referral to a disciplinary or expulsion hearing may be necessary. For more information on Title IX and discipline, check out our [FAQ here](#).

Retaliation or Intimidation

Once a report is made, under the law, it is strictly prohibited to retaliate, intimidate, harass or threaten the individual who reported the matter. This includes:

- Threatening to harm, spread rumors or other misinformation about the named student
- Intimidating or harassing behavior towards the named student
- Threats, coercion or intimidation on your behalf by a third party (such as another PPS student) toward the named student

Any actions perceived as retaliatory should be immediately reported to the Title IX Director (contact information provided below).

Safety (or Supportive Measures)

Safety measures are individualized measures intended to minimize the impact on either party involved in an investigation and to ensure the safety of all parties and the school community. You will have the opportunity to discuss supportive measures with your school administrator early in the process. These options may include:

- No-contact order or Stay Away Agreement: prohibits either party from having contact with one another either in person, over social media, or through a third party.
- Sexual Incidence Response (SIRC). [More info here](#).
- Academic accommodations (extensions, class changes, etc).

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- Interim suspension pending hearing (temporary removal from school used only in serious cases where community safety is at risk).

Other Resources & Advocacy

Portland has extensive resources available to support children and families. Please visit the [Title IX Student/Family site](#) or www.pps.net/titleix.

Privacy & Confidentiality

The Family Education Rights and Privacy Act (FERPA) was enacted to ensure the confidentiality of student records and to make them accessible only to parents and eligible students. However, student records may be disclosed pursuant to one of FERPA's exceptions including when the release of a student record is for a legitimate educational purpose.

Other Remedies

The school district's internal procedures do not prevent the right of any individual to simultaneously report or pursue other administrative, civil, or criminal remedies outside of a school-based investigation. These remedies are not provided by the school or district but may be available through other entities. Students have the right to file a complaint online with the [Oregon Department of Education's Office of Civil Rights](#).

Title IX Compliance Manager

The Title IX Compliance Manager is responsible for tracking, reporting, and supporting trained School-Based Title IX Coordinators at each school. The current list of school-based coordinators is available on the [Title IX website](#).

Liane O'Banion, Ed.D. (she/her)

email: lobanion@pps.net

website: www.pps.net/titleix

call/text: 503.568.2646