

## NOTICE OF RESPONDING PARTY (RESPONDENT) RIGHTS & RESOURCES



*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](http://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.

A school-based investigation is not the same as the criminal process; you cannot go to jail. 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 criminal activity is suspected as part of the fact-finding, the incident will be referred to law enforcement concurrently to the school-based investigation.

This notice provides important information about your rights in an investigation and resources available to you throughout the process.

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### **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.

### **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) towards 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: 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).
- 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](http://www.pps.net/titleix).

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### **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 also 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 specially trained School-Based Title IX Coordinators at each school. The current list of school-based coordinators is available on the [Title IX website](#).

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