



# Board of Education Informational Report

## MEMORANDUM

**Date:** October 9, 2018  
**To:** Board of Education  
**From:** Stephanie Soden, Chief of Staff  
**Subject:** Update on Implementation of Recommendations Related to Whitehurst Investigation

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On May 10, 2018, the Board accepted a report and recommended action steps to be taken as a result of the external investigation into former PPS employee Mitch Whitehurst and related incidences of sexual misconduct. The report included sixteen concrete recommendations that would, in the investigatory team's expert opinion, prevent incidences of and ensure prompt response to reported incidences of sexual harassment and/or sexual misconduct in a school or district setting.

An implementation team led by the Chief of Staff meets regularly to monitor and report progress and identify solutions. Members of the implementation team include:

- Dr. Yvonne Curtis, Deputy Superintendent, Instruction and School Communities
- Mary Kane, Senior Attorney in the Office of General Counsel
- Liz Large, Interim General Counsel
- Brenda Martinek, Chief of Student Support Services
- Sharon Reese, Interim Chief Human Resources Officer
- Lisa Rogers, Senior Manager, Employee and Labor Relations
- Stephanie Soden, Chief of Staff
- Courtney Westling, Government Relations Director

This is the second quarterly report on implementation progress. Below you will find a complete list of the recommendations and corresponding deadlines, as well as notes on progress and updates.

<b>Recommendation</b>	<b>Deadline</b> Notes
1. Train and require employees to document all sexual conduct allegations, concerns and complaints and report them to the Title IX coordinator or a similar designee	<b>By 8/31/18 and ongoing</b>  The Aug 8-10 Learning and Leading Together instructional leadership institute one-hour training for all building administrators  Additional one-day trainings held on October 1, 3 and 4 for administrators (school compliance

	<p>officers)</p> <p>A training for nutrition services, facilities and maintenance, and perhaps, transportation staff will be held October 29.</p> <p>All staff required to complete new online 30-minute training by October 31</p> <p>Dr. Wilson Kenney to continue developing and implementing staff/student and student/student incident training in all schools throughout 2018-19 school year</p> <p>Additional training to be developed by Director of Title IX Policy, Training and Compliance throughout 2018-19 school year and beyond</p>
2. Use a specialized, trained investigator who has expertise in employee/student sexual conduct and can investigate each complaint thoroughly and fairly	<p><b>By 10/31/18 and ongoing</b></p> <p>Internal expertise currently being developed through staff trainings of Title IX, Sexual Incident Response Committee (SIRC) and adult sexual misconduct response protocols.</p>
3. Have a core group of multidisciplinary administrators make credibility decisions and agree regarding what level of discipline to impose, if any	<p><b>By 7/31/18 and ongoing</b></p> <p>Assigned School Compliance Officers (SCO) in every building to review all cases; training initiated and ongoing. Providing additional specialized training to team members (counselors, SROs, sped teams) in early 2019.</p> <p>For adult sexual misconduct cases, HR, legal, and administrators meet regularly discuss cases.</p>
4. Implement a centralized tracking mechanism to document all sexual conduct complaints, including their outcome	<p><b>By beginning of 2019-20 school year</b></p> <p>Software vendor identified to replace current tracking system; system tests by mid-November</p> <p>Interim manual tracking system revised and updated by 9/30/18</p>
5. Change the district's union contract with PAT to ensure the protection of students	<p><b>By 12/31/19</b></p> <p>Preparation and planning underway; scheduled for joint PPS/PAT conversation in fall 2018</p>
6. Review and change the district's other union contracts as appropriate to similarly ensure the protection of students	<p><b>By 12/31/19</b></p> <p>Preparation and planning underway to include provisions in all contracts 2019-2022</p>
7. Improve the sexual conduct prevention and identification training provided to PPS	<p><b>By 10/31/18 and ongoing</b></p>

employees	<p>All staff required to complete new 30-minute online mandatory training by October 31</p> <p>Additional one-day trainings held on October 1, 3 and 4 for administrators (school compliance officers)</p> <p>Introductory training held at Aug 8-10 Learning and Leading Together instructional leadership institute</p> <p>Dr. Wilson Kenney developing and conducting staff/student and student/student incident training in all schools throughout 2018-19 school year</p> <p>Additional training will be provided by the Director of Title IX Policy, Training and Compliance during 2018-19 school year and beyond</p>
8. Require sexual conduct prevention and identification training for PPS volunteers and contractors	<p><b>By 12/31/18</b></p> <p>New training content and requirements are being added to volunteer registration in schools</p> <p>Required contractor training under development</p>
9. Improve the sexual conduct prevention and identification training provided to PPS students	<p><b>By 12/31/18</b></p> <p>New middle school health and sexual well-being curriculum rolling out for 2018-19</p> <p>Collecting student-led/staff-led best practices and inventory of resources to implement and advertise strict-wide</p> <p>Contract under negotiation for student-student training in all schools throughout 2018-19 school year</p>
10. Fix the materials relating to sexual conduct on the PPS website	<p><b>By 9/30/18 and ongoing</b></p> <p>Content developed, updates in progress; additional information to be added once Director of Title IX Policy, Training and Compliance hired</p>
11. Exercise transparency and do not enter in resignation agreements that restrict disclosure of possible sexual conduct	<p><b>Completed and ongoing</b></p>
12. Implement an adult/student boundaries policy	<p><b>By 10/31/18</b></p> <p>Draft policy crafted by Board Policy and Governance Committee; first read on October 2</p>
13. Lobby for changes outside the district that	<p><b>By 7/31/19</b></p>

will make Oregon safer for students	<p>Two bills under development at Legislative Counsel; stakeholder engagement and legislator outreach currently underway</p> <ol style="list-style-type: none"> <li>1. Sponsored by Sen. Rob Wagner: <ul style="list-style-type: none"> <li>• Align definition of “sexual conduct” in ORS with TSPC’s broader definition in OAR; streamline TSPC investigation process.</li> <li>• Be clear in statute that law applies to all district employees (including volunteers, contractors and classified staff) and all students (current statute only applies to K-12 and does not include early childhood programs and community transition students).</li> <li>• Require disclosure if a teacher has been or is currently under investigation (update Oregon’s disclosure form to replicate Washington’s)</li> <li>• Require districts to complete investigation even if staff person resigns.</li> </ul> </li> <li>2. Senate Education Committee bill (via Sen. Arnie Roblan) <ul style="list-style-type: none"> <li>• Whitehurst recommendations</li> <li>• Increase in investigators at TSPC</li> <li>• Requirement to centralize investigations of sexual misconduct in TSPC.</li> </ul> </li> </ol>
14. Revise AD 5.10.063 – to clarify that there is sufficient cause for corrective action without all four elements of sexual conduct	<p><b>By 8/31/19</b></p> <p>On hold until revisions to ORS are completed</p>
15. Require employees to check with the HR department before giving a reference to another employee or serving as a reference	<p><b>In process</b></p> <p>Implementation team assessing options for policy/protocol changes, enforcement and deadline for completion</p>
16. Designate a liaison between the PPB and the district to monitor cases involving allegations of sexual conduct by a PPS employee	<p><b>By 9/30/18 completed</b></p> <p>Mary Kane is PPS designee; regular and ongoing coordination with PPB Sex Crimes Unit</p>
17. Hire permanent Director of Title IX Policy, Training and Compliance	<p>Recruitment efforts continue; 3<sup>rd</sup> candidate search underway; targeted recruitment continues</p>