

# Tigard-Tualatin School District 23J

Code: ACB-AR(1)  
Adopted: 2/08/21  
Revised/Readopted: 1/24/22

## Bias Incident Complaint Procedure

The district prohibits discrimination and harassment on any basis protected by law, including but not limited to, an individual's perceived or actual race, color, religion, sex, sexual orientation, national or ethnic origin, marital status, age, mental or physical disability, pregnancy, familial status, or veterans' status or because of the perceived or actual race, color, religion, sex, sexual orientation, national or ethnic origin, marital status, age, mental or physical disability, pregnancy, familial status or veterans' status of any other persons with whom the individual associates. Persons impacted by a bias incident shall be defined broadly to include individuals at whom the incident was directed as well as students in the larger school community likely to be impacted by the incident.

Staff members who learn of a potential bias incident will prioritize the safety and well-being of all persons impacted and promptly report the incident to the building administrator. Building administrators have responsibility for addressing and investigating all reported incidents of bias actions, in person or virtually, against any of the aforementioned, whether made in person or anonymously. Responding staff shall recognize the experience of all persons impacted, acknowledge the impact and prevent further harm against those impacted from taking place.

"Bias incident" means a person's hostile expression of animus toward another person, relating to the other person's perceived race, color, religion, gender identity, sexual orientation, disability or national origin, of which criminal investigation or prosecution is impossible or inappropriate. Bias incidents may include derogatory language or behavior.

"Symbol of hate" means nooses<sup>1</sup>, symbols of neo-Nazi ideology or the battle flag of the Confederacy.

Any bias incidents or symbol of hate, whether verbal, written and/or virtual may be reported:

1. To school staff who shall report the incident to the building administrator
2. To a school administrator
3. To the Safe Oregon tip line

The investigator(s) shall be a neutral party having had no involvement in the incident presented.

Incidents involving the building administrator shall be filed with the superintendent. Incidents involving the superintendent shall be filed with the board chair. All such information will be reduced to writing and will include the specific nature of the offense and corresponding dates.

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<sup>1</sup> The display of a noose on public property with the intent to intimidate may be a Class A Misdemeanor under Senate Bill 398 (2021).

All incidents will be investigated in accordance with the following procedures:

**Step 1** The building administrator receiving the report of an incident shall promptly notify the complainant<sup>2</sup>, as well as the complainant’s parents/guardians, if the complainant is the victim. The notification will include the nature of the bias incident and that an investigation has been initiated. In support of the investigation process, the building administrator will arrange such meetings as may be necessary with all concerned parties after receipt of the information concerning the incident. The parties will have an opportunity to submit evidence and a list of witnesses. The building administrator must consider whether behavior implicates other district policies or civil rights laws, and if so, respond accordingly. All findings related to the incident will be reduced to writing using the district Anti-Bias Incident Report form and a decision will be rendered by the building administrator within 15 working days after receiving the complaint. The building administrator(s) conducting the investigation shall notify the victim(s) and parents/guardians and all other persons impacted when the investigation is concluded as to the finding of fact, the final determination based on the facts, and any other actions taken to remedy behavior and prevent reoccurrence. If the law prohibits the release of certain information, a citation of the law (e.g., FERPA) prohibiting such release and an explanation of how that law applies to the current situation shall also be shared.<sup>3</sup>

A final written report will be provided to the victim(s) and parents/guardians. All anonymously reported incidents will be reported as part of the school’s bias incident data. All reports shall be tracked and filed with the district office. Incidents of bias acts will be recorded in Synergy. In addition, TTSD will collect student perception on a quarterly basis for review by the Positive Behavioral Interventions and Supports (PBIS) teams and the superintendent and cabinet.

School based PBIS teams, including administrators, will review the number and types of incidents monthly. The district level PBIS team will review quarterly data and determine if there is a more targeted or systemic response indicated either for an individual school or district system as whole based on the data review. The superintendent will provide a quarterly report to the School Board and Bias Incidents and Hate Speech Oversight Committee for their review.

**Step 2** If the complainant is the victim and is not satisfied with the final determination based upon facts in Step 1, they may submit a written appeal following policy KL Administrative Rule (KL-AR).<sup>4</sup>

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<sup>2</sup> The term “complainant” in this administrative regulation includes persons filing formal complaints and persons reporting bias incidents, regardless of whether the complainant is a victim. Similarly, the term “complaint” includes any report, information or complaint.

<sup>3</sup> Refer to policies GBL - Personnel Records, JOA - Directory Information and JOB - Personally Identifiable Information and district legal counsel for guidance in these situations. Possible laws include, but are not limited to, Title 34 C.F.R. § 99.31 and ORS 342.850

<sup>4</sup> An appeal must meet the criteria found in OAR 581-002-0005

Appeals may also be filed directly with the U.S. Department of Education Office for Civil Rights. Reports of an incident are assumed, unless proven otherwise by preponderance of fact, to have been made in good faith and with reasonable belief a bias incident has occurred.<sup>5</sup>

An alleged originator who engages in retaliatory behavior during the course of the investigation will be subject to consequences and appropriate remedial action. False charges by the complainant shall also be regarded as a serious offense and will result in consequences and appropriate remedial action.<sup>6</sup>

Documentation related to the incidents may be maintained as a part of the student's education records.

## **Incidents**

The major objectives of the school response are to teach the following fundamental concepts:

1. Understanding and respect for individual rights, dignity and safety;
2. Understanding and respect for the law, district policies, procedures, rules and regulations;
3. Understanding of and respect for public and private rights.<sup>7</sup>

TTSD will incorporate educative and culturally responsive restorative approaches to promote responsibility and compassion while repairing harm and distrust, thereby creating a learning environment that is positive for all students.

During the response and reparation stage, the administrator may consider tiered incident responses along a continuum from restorative practices, ranging from repairing harm to another student and the community, to loss of privileges and suspension. Using the district tiered PBIS system of support, students who have multiple incidents of bias incidents will have increased levels of intervention. In any response, there will be a plan to educate on the harm caused and how to behave differently in the future.

In all responses, the administrator will provide appropriate support for the victim, including but not limited to:

1. Conference with and ongoing support from counselor or other trusted adult
2. Restorative conversation with the originator facilitated by trained professionals
3. Restorative community circle facilitated by trained professionals
4. Referral to outside community supports
5. Additional family supports as indicated

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<sup>5</sup> Board Policy GBMA

<sup>6</sup> Board Policy JFCF

<sup>7</sup> Board Policy JG

The victim will always have the power to decline any offers of support and will never be required to or persuaded to engage in restorative practices with the originator.

## **Training and Education**

Using TTSD’s established PBIS systems and committing to building school communities built on mutual trust and respect, TTSD will:

1. Build positive, predictable classroom environments by teaching and reinforcing prosocial and anti-biased behaviors.
2. Promote community.
3. Use educative and restorative approaches to incidents.
4. Create multi-tiered systems of support to address student needs.
5. Use data, both qualitative and quantitative, to measure the health of the community.

To create a foundation of accountability to the community, TTSD will create classrooms that are emotionally supportive and “identity safe”:

- a. Incorporate the teaching of social-emotional standards (i.e., intrapersonal awareness, interpersonal skills, conflict resolution) and social justice (i.e., identity, diversity, justice, action).
- b. All classroom environments will be considered through a trauma-informed lens.
- c. Classroom communities and instruction will be culturally responsive.
- d. Trusting, encouraging relationships will be created and nurtured between staff and students, and between students and peers.
- e. Promote student voice, student belonging and student responsibility for their community.

TTSD staff will receive race and identity professional development in addition to culturally responsive teaching professional development. School Continuous Improvement Plans (CIPs) will be revised to include an Anti-Bias Education, Accountability for Implementation, Solutions, and Healing (EASH) plan that will articulate actions the staff and school will take to establish and sustain an anti-bias school culture. The Board will receive school CIPs for their review and comment during the first academic semester each school year. The EASH plans will be provided to the Bias Incidents and Hate Speech Oversight Committee for their review and comment during the first academic semester each school year. Schools will have the opportunity to engage in dialog with the respective bodies prior to any revisions to the EASH plans. A school and district EASH summative report on plan goals and data will be provided to the School Board and Bias Incidents and Hate Speech Oversight Committee annually.