
SEXUAL HARASSMENT

The district will maintain an educational environment and a workplace environment that is free from any form of sexual harassment. The Board is committed to the elimination of sexual harassment in district schools and activities. Sexual harassment is strictly prohibited and shall not be tolerated. This includes sexual harassment of students, or staff or third parties by other students, staff, Board members or third parties. "Third parties" include, but are not limited to, school volunteers, parents, school visitors, service contractors or others engaged in district business, such as employees of businesses or organizations participating in cooperative work programs with the district and others not directly subject to district control at intradistrict or interdistrict athletic competitions or other school events and activities. "District" includes: district facilities; district premises and nondistrict property if the student or employee is at any district-sponsored, district-approved or district-related activity or function, such as field trips or athletic events, where students are under the control of the district; or where the employee is engaged in district business. The prohibition also includes off duty conduct which is incompatible with district job responsibilities.

Sexual harassment of students, staff or third parties shall include, but is not limited to, any unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal or sexually motivated physical contact or other conduct or communication of a sexual nature when:

1. The conduct or communication has the purpose or effect of demanding sexual favors in exchange for benefits;
2. Submission to or rejection of the conduct or communication is used as the basis for educational decisions affecting a student or employment or assignment of staff;
3. The conduct or communication is so severe, persistent or pervasive that it has the purpose or effect of unreasonably interfering with a student's educational performance or with an employee's ability to perform his/her job; or creates an intimidating, offensive or hostile educational or working environment. Relevant factors to be considered will include, but not be limited to, did the individual view the environment as hostile; was it reasonable to view the environment as hostile; the nature of the conduct; how often the conduct occurred and how long it continued; age and sex of the complainant; whether the alleged harasser was in a position of power over the student or staff member subjected to the harassment; number of individuals involved; age of the alleged harasser; where the harassment occurred; and other incidents of sexual harassment at the school involving the same or other students or staff.
4. ~~The conduct or communication has the effect of creating an intimidating, hostile or offensive educational or working environment.~~

Examples of sexual harassment may include, but not be limited to, physical touching or graffiti of a sexual nature, displaying or distributing of sexually explicit drawings, pictures or written materials, sexual gestures or obscene jokes, touching oneself sexually or talking about one's sexuality in front of others or spreading rumors about or rating other students or others as to appearance, sexual activity or performance.

All complaints about behavior that may violate this policy shall be promptly investigated. Any student, or employee or third party who has knowledge of conduct in violation of this policy or feels he/she is a victim of sexual harassment must immediately report his/her concerns to the building principal, or

immediate supervisor, who then reports to the Director of Human Resources, or submitted directly to the Superintendent. A student may also report concerns to a teacher or counselor who will promptly notify the appropriate district official. The student and the student's parents or staff member who initiated the complaint shall be notified of the findings of the investigation and, if appropriate, what remedial action has been taken.

The initiation of a complaint in good faith about behavior that may violate this policy shall not adversely affect the educational assignments or study environment of a student complainant or any terms or conditions of employment or work environment of the staff complainant. There shall be no retaliation by the district against any person who, in good faith, reports, files a complaint or otherwise participates in an investigation or inquiry of sexual harassment.

~~No employee will use the authority of his/her position to subject any other employee or student to sexual harassment as defined above. Administrators and supervisors are responsible for their own conduct and for the conduct of the employees they supervise, and will take affirmative steps to stop sexual harassment by subordinates when it is brought to their attention, including warning or disciplining the offending employee.~~

It is the intent of the Board that appropriate corrective action will be taken by the district to stop the sexual harassment, prevent its recurrence and address negative consequences.

1. Students in violation of this policy shall be subject to disciplinary action up to and including suspension or expulsion and/or counseling or sexual harassment awareness training, as appropriate. The age and maturity of the student(s) involved and other relevant factors will be considered in determining appropriate action.
2. Employees in violation of this policy shall be subject to discipline, up to and including dismissal and/or additional sexual harassment awareness training as appropriate.
3. Other individuals whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the Superintendent or Board.
4. In addition to the above, the district may report individuals in violation of this policy to law enforcement officials. Licensed staff and those participating in practicum programs, as specified by Oregon Administrative Rules, shall be reported to the Teachers Standards and Practices Commission.

~~The Superintendent will establish a process by which students or employees experiencing or aware of sexual harassment are to inform appropriate district officials and to seek review of the response or action taken. There will be no retaliation by any district official or employee against any person who in good faith reports, files a complaint, or otherwise participates in an investigation or inquiry of sexual harassment. The initiation of a complaint in good faith about behavior that may violate this policy shall not adversely affect the educational assignments or study environment of a student complainant or any terms or conditions of employment or work environment of the staff complainant.~~

The Superintendent shall ensure appropriate periodic sexual harassment awareness training or see that adequate information is provided to all supervisors, staff and students and that annually, the name of position of the district officials responsible for accepting and managing sexual harassment complaints, business phone numbers, addresses or other necessary contact information is readily available. This policy, as well as the complaint procedure, will be made available to all students, parents of students and staff. The district's policy shall be posted in all schools. Such posting shall be by a sign of at least 8 ½ "x 11".

The superintendent will establish a process of reporting incidents of sexual harassment.

END OF POLICY

Legal Reference(s):

ORS 243.706
ORS 342.700
ORS 342.704
ORS 342.708
ORS 342.850
ORS 342.865
ORS 659.850

ORS 659A.006
ORS 659A.029
ORS 659A.030
OAR 581-021-0038
OAR 584-020-0040
OAR 584-020-0041

Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000d (2006)
Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.S. Section 2000e (2006)
Title IX of the Education Amendments of 1972, 20 U.S.C. Section s 1681-1683; 34 CFR Part 106 (2006).
~~Davis v. Monroe County Board of Education, 526 U.S. 629 (1999).~~
~~Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998).~~
Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2006).
Bartsch v. Elkton School District, FDA-13-011 (March 27, 2014).