

## **Sexual Harassment Complaint Procedure**

The Board is committed to the elimination of sexual harassment in the district schools and activities. Sexual harassment is strictly prohibited and shall not be tolerated. This includes sexual harassment of students, staff or third parties by other students, staff, Board members or third parties.

Principals, the superintendent and, in cases having to do with gender, the Title IX coordinator, have responsibility for investigations concerning sexual harassment. The investigator(s) shall be a neutral party having had no involvement in the complaint presented.

### **Definitions**

1. "Third parties" include, but are not limited to, school volunteers, chaperones, 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 interdistrict and intradistrict athletic competitions or other school events.
2. "District" includes district facilities, including official school bus stops, district premises and nondistrict property if the employee is at any district-sponsored, district-approved or district-related activity or function, such as field trips or athletic events, where the employee is engaged in district business. The prohibition also includes off duty conduct which is incompatible with district job responsibilities.
3. Sexual harassment of students and staff shall include, but is not limited to, unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal or physical conduct of a sexual nature when:
  - a. The conduct or communication has the purpose or effect of demanding sexual favors in exchange for benefits;
  - b. 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;
  - c. 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.

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 and 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.

## **Reporting**

The principals will take reports and conduct a prompt investigation of any report of an act of sexual harassment.

Any student who has knowledge of conduct in violation of this policy or feels he/she has been sexually harassed, is encouraged to immediately report his/her concerns to the principal.

This report may be made anonymously. A student may also report concerns to a teacher or counselor who will be responsible for notifying the principal.

## **Retaliation/False Charges**

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, is thought to have reported, files a complaint or otherwise participates in an investigation or inquiry regarding sexual harassment, is prohibited. Such retaliation shall be considered a serious violation of Board policy and independent of whether a complaint is substantiated. False charges shall also be regarded as a serious offence and will result in disciplinary action or other appropriate sanctions.

## **Complaint Procedures**

Principals, Title IX coordinator, in cases having to do with gender, and the superintendent have the responsibility for investigations concerning sexual harassment. The investigator(s) shall be a neutral party having had no involvement in the complaint presented.

All complaints about behavior that may violate this policy shall be promptly investigated. Any employee 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 principal, compliance officer or superintendent, who has overall responsibility for all investigations. A student may also report concerns to a teacher, counselor or school nurse, 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, that 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.

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. Students in violation of this policy shall be subject to discipline up to and including 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. 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. 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.

Additionally, the district may report individuals in violation of this policy to law enforcement officials. Licensed staff, staff registered with the Teacher Standards and Practices Commission (TSPC) and those participation in practicum programs, as specified by Oregon Administrative Rules, shall be reported to the TSPC.

Complaints will be investigated in accordance with the following procedures:

- Step 1 Any sexual harassment information (complaints, rumors, etc.) shall be presented to the principal, Title IX coordinator or superintendent. All such information shall be reduced to writing and will include the specific nature of the sexual harassment and corresponding dates.
- Step 2 The principal, department supervisors, Title IX coordinator or superintendent shall promptly initiate an investigation. The investigator(s) will arrange such meetings as may be necessary to discuss the issue with all concerned parties within five working days after receipt of the information or complaint.

The parties will have the opportunity to submit evidence and a list of witnesses. All findings of the investigation, including the response of the alleged harasser, shall be reduced to writing. The district official(s) conducting the investigation shall notify the complainant and parents as appropriate, in writing, when the investigation is concluded and a decision regarding disciplinary action, as warranted, is determined.

The date and details of notification to the complainant, together with any other documentation related to the sexual harassment incident, including disciplinary action taken or recommended, shall be forwarded to the superintendent.

- Step 3 If a complainant is not satisfied with the decision at Step 2, he/she may submit a written appeal to the superintendent or designee. Such appeal must be filed within 10 working days after receipt of the Step 2 decision. The superintendent or designee will arrange such meetings with the complainant and other affected parties as deemed necessary to discuss the appeal. The superintendent or designee shall provide a written decision to the complainant within 10 working days.
- Step 4 If a complainant is not satisfied with the decision at Step 3, he/she may submit a written appeal to the Board. Such appeal must be filed within 10 working days after receipt of the Step 3 decision. The Board shall, within 20 working days, conduct a hearing at which time the complainant shall be given an opportunity to present the appeal. The Board shall provide a

written decision to the complainant within 10 working days following completion of the hearing.

- Step 5 If the complaint is not satisfactorily settled at the Board level, the student may appeal to the State Superintendent of Public Instruction, Office of Learning, Education Equity Unit, Oregon Department of Education, 225 Capitol Street NE, Salem, Oregon 97310 or the Regional Civil Rights Director, U.S. Department of Education, Office for Civil Rights, Region X, 915 2<sup>nd</sup> Ave., Room 3310, Seattle, WA 97174-1099. Additional information regarding filing of a complaint may be obtained through the principal, Title IX coordinator or superintendent.

Direct complaints related to employment may be filed with the U.S. Department of Labor, Equal Employment Opportunity Commission or Oregon Bureau of Labor and Industries. Direct complaints related to educational programs and services may be made to the Regional Civil Rights Director, U.S. Department of Education, Office for Civil Rights, Region X, 915 2nd Ave., Room 3310, Seattle, WA 98174-1099.

All documentation related to sexual harassment complaints may become part of the student's education record or employee's personnel file as appropriate. Additionally, a copy of all sexual harassment complaints and documentation will be maintained as a confidential file and stored in the district office.

The superintendent shall report the name of any person holding a teaching license or registered with Teacher Standards and Practices Commission (TSPC) or participating in a practicum under OAR Chapter 584, Division 17, when, after appropriate investigation, there is reasonable cause to believe the person may have committed an act of sexual harassment. Reports shall be made to the TSPC within 30 days of such a finding. Reports of sexual contact with a student shall be given to a representative from law enforcement or the Oregon Department of Human Services, Community Human Services, as possible child abuse. In the event the superintendent is the subject of the investigation, reports, when required, shall be made by the Board chair.

### **Training and Information**

The superintendent shall ensure appropriate periodic sexual harassment awareness training or information is provided to all supervisors, staff and students and that annually, the name and position of 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 in student/parent and staff handbooks. The district's policy shall be posted in all grade 6 through 12 schools. Such posting shall be by a sign of at least 8 1/2" by 11".

SEXUAL HARASSMENT COMPLAINT FORM

Name of complainant: \_\_\_\_\_

Position of complainant: \_\_\_\_\_

If a student, name and address of the parent or guardian responsible for student: \_\_\_\_\_

\_\_\_\_\_

Date of complaint: \_\_\_\_\_

Name of alleged harasser: \_\_\_\_\_

Position of alleged harasser: \_\_\_\_\_

A description of the nature and extent of the sexual harassment, including any information which could be helpful in establishing cause of harassment and identity of the alleged harasser: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

A description of how the initial report was made (i.e., phone or other method): \_\_\_\_\_

\_\_\_\_\_

Name of the agency and individual who took the report: \_\_\_\_\_

Date and time initial report was made: \_\_\_\_\_

Name of persons who received a copy of the initial written report: \_\_\_\_\_

Evidence of sexual harassment, i.e., letters, photos, videos etc.(excluding sexting or sexually explicit photos or videos of individuals under 18 years of age) (attach evidence if possible): \_\_\_\_\_

\_\_\_\_\_

Date and place of incident or incidents: \_\_\_\_\_

\_\_\_\_\_

Name and position of witnesses (if any): \_\_\_\_\_

Description of how the initial report was made (i.e., phone or other method): \_\_\_\_\_

Name of persons who received a copy of the initial written report: \_\_\_\_\_

Any other information: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

WITNESS DISCLOSURE FORM

Name of Witness: \_\_\_\_\_

Position of Witness: \_\_\_\_\_

Date of Testimony/Interview: \_\_\_\_\_

Description of Instance Witnessed: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Any Other Information: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I agree that all the information on this form is accurate and true to the best of my knowledge.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_