

## **Sexual Harassment**

Sexual harassment is prohibited and shall not be tolerated in the district. This includes sexual harassment of students, 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 interdistrict and intradistrict athletic competitions or other school events.

“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.

Sexual harassment of students and staff shall include, but not be limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to the conduct or communication is made either explicitly or implicitly a term or condition of a student’s education or participation in district programs or activities or as a condition of employment for staff;
2. Submission to or rejection of the conduct or communication is used as the basis for decisions affecting a student or employment or assignment of staff;
3. The conduct or communication 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;
4. The conduct or communication has the effect of creating an intimidating, offensive, or hostile educational or working environment;
5. The conduct or communication has the purpose or effect of demanding sexual favors in exchange for benefits.

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 subject 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, e-mailing, 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.

All complaints about behavior that may violate this policy shall be promptly investigated. Any student or employee who has knowledge of or feels he/she is a victim of sexual harassment must immediately report his/her concerns to the building principal, compliance officer or superintendent, who has overall responsibility for all investigations. A student also may report concerns to a teacher, counselor, or district 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 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.

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 Teacher Standards and Practices Commission (TSPC).

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 schools. Such posting shall be by a sign of at least 8.5 by 11 inches.

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, 42 U.S.C. § 2000d (2006).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2006).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2006); Nondiscrimination on the Basis of Sex in 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).

**Cross Reference(s):**

GBNA - Hazing/Harassment/Intimidation/Menacing/Bullying/Cyberbullying - Staff

JBA/GBN - Sexual Harassment

JFCF - Hazing/Harassment/Intimidation/Menacing/Bullying/Cyberbullying/Teen Dating Violence – Student