

## Sexual Harassment and Sexual Violence

### I. Sexual Harassment/Sexual Violence Defined

- A. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:
1. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment; or
  2. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
  3. That conduct or communication has the purpose or effect of substantially unreasonably interfering with an individual's employment, or creating an intimidating, hostile or offensive employment environment.
- B. Sexual harassment may include, but is not limited to:
1. Verbal harassment or abuse;
  2. Subtle pressure for sexual activity;
  3. Inappropriate patting or pinching
  4. Intentional brushing against a student's or an employee's body;
  5. Demanding sexual favors accompanied by implied or overt threats concerning an individual's employment;
  6. Demanding sexual favors accompanied by implied or overt promises of preferential treatment with regard to an individual's employment;
  7. Any sexually motivated unwelcome touching; or
  8. Sexual violence which is a physical act of aggression that includes a sexual act or sexual purpose; or
  9. Other sexually motivated behavior which may affect working conditions, or the educational process.

### II. Reporting Procedures

Any person who believes he or she has been the victim of sexual harassment or sexual violence or any third person with knowledge of conduct which may constitute sexual harassment or sexual violence shall report the alleged acts immediately to an appropriate School District official. The School District encourages the reporting party to submit a written report to the principal.

#### A. In Each School Building

The building principal is the person responsible for receiving oral or written reports of sexual harassment or sexual violence at the building level. Upon receipt of a report, the principal must

notify the District Affirmative Action Officer immediately. A written report will be forwarded simultaneously to the Affirmative Action Officer. If the report was given verbally, the principal shall reduce it to written form within 48 hours and forward it to the Affirmative Action Officer. Failure to forward any sexual harassment or sexual violence report or complaint, as provided herein, will result in disciplinary action. If the complaint involves the building principal, the complaint shall be filed directly with the Affirmative Action Officer.

B. District-Wide

The Superintendent shall designate the School District Affirmative Action Officer to receive reports or complaints of sexual harassment and sexual violence from any individual, employee or victim of sexual harassment or sexual violence and also from the building principals, as outlined above. If the complaint involves the Affirmative Action Officer, the complaint shall be filed directly with the Superintendent.

This policy as well as the complaint procedure will be made available to all students, parents/legal guardians 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 School District shall conspicuously post the name of the Affirmative Action Officer, including telephone number.

- C. Submission of a complaint or report of sexual harassment or sexual violence will not affect the individual's future employment, grades or work assignments.
- D. The School District will respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible, consistent with the School District's legal obligations and the necessity to investigate allegations of sexual harassment and sexual violence and take disciplinary action when the conduct has occurred.

III. Investigation and Recommendation

By authority of the School District, the Affirmative Action Officer, upon receipt of a report or complaint alleging sexual harassment, or sexual violence shall immediately authorize an investigation. This investigation may be conducted by School District officials or by a third party designated by the School District. The investigating party shall provide a written report of the status of the investigation within ten (10) working days to the Superintendent of Schools and the Affirmative Action Officer.

In determining whether alleged conduct constitutes sexual harassment or sexual violence, the School District should consider the surrounding circumstances, the nature of the sexual advances, relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes sexual harassment or sexual violence requires a determination based on all the facts and surrounding circumstances.

The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.

In addition, the School District may take immediate steps, at its discretion, to protect the complainant, and employees pending completion of an investigation of alleged sexual harassment or sexual violence.

The School District Affirmative Action Officer shall make a report to the Superintendent upon completion of the investigation.

#### IV. School District Action

- A. Upon receipt of a recommendation that the complaint is valid, the School District will take such action as appropriate based on the results of the investigation.
- B. The result of the investigation of each complaint filed under these procedures will be reported in writing to the complainant by the School District. The report will document any disciplinary action taken as a result of the complaint.

#### V. Reprisal

The School District will discipline any individual who retaliates against any person who reports alleged sexual harassment or sexual violence or who retaliates against any person who testifies, assists or participates in an investigation, proceeding or hearing relating to a sexual harassment or sexual violence complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

#### VI. Right to Alternative Complaint Procedures

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the State Department of Education, initiating civil action or seeking redress under State criminal statutes and/or Federal law.

#### VII. Sexual Harassment or Sexual Violence as Sexual Abuse

Nothing in this Administrative Rule will prohibit the School District from taking immediate action to protect victims of alleged sexual abuse.

#### VIII. Discipline

Any School District action taken, pursuant to this Administrative Rule, will be consistent with requirements of applicable collective bargaining agreements, Oregon Statutes and School District policies and building level discipline plans. The School District will take such disciplinary action it deems necessary and appropriate, including warning, suspension, expulsion, or immediate discharge to end sexual harassment and sexual violence and prevent its recurrence.

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 participating in practicum programs, as specified by Oregon Administrative Rules, shall be reported to the TSPC.

IX. Inservice

Inservice training on sexual harassment and sexual violence will be developed by the District and made available to all district employees and students.