

Sexual Harassment

It is the policy of Eugene School District 4J that sexual harassment of employees in the work environment is unacceptable and will not be tolerated.

1. Sexual harassment is defined as “unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.” Sexual harassment may include such actions as: sex-oriented verbal “kidding,” “teasing” or jokes; subtle pressure for sexual activity; physical contact such as patting, pinching or brushing against another’s body; or demands for sexual favors.

Conduct of this type is improper if: (a) submission to the conduct is either an explicit or implicit term or condition of employment; (b) submission to or rejection of the conduct is used as a basis for employment decisions affecting the person involved; or (c) the conduct has the purpose or effect of substantially interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.

2. All employees of Eugene School District 4J are expected to avoid any behavior or conduct toward any other employee which could be interpreted as sexual harassment.
3. Appropriate management and supervisory personnel shall take prompt, corrective action when they become aware of sexual harassment. Such action may include discipline up to and including termination of the offending employee or employees. 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.
4. Any employee of Eugene School District 4J who feels that he or she has been the victim of sexual harassment should follow the district’s complaint process relating to discrimination or notify the director of human resources. The complaint will immediately be investigated to determine whether it is justified. If the complaint is found to have merit, corrective action, as described above, will be implemented. The employee who initiated the complaint shall be notified when the investigation is completed.
5. No reprisal or adverse action will occur as a consequence of initiating a sexual harassment complaint. Federal and state laws and school board policy strictly forbid any form of reprisal or retaliation against a complainant or parties-in-interest in connection with the filing of a complaint of employment discrimination or harassment. Any form of retaliation for the filing of a complaint will be subject to immediate disciplinary action, up to and including dismissal.

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".

END OF POLICY

Legal Reference(s):

ORS 243.706	OAR 581-021-0038
ORS 342.700	OAR 584-020-0040
ORS 342.704	OAR 584-020-0041
ORS 342.708	
ORS 342.850	
ORS 342.865	
ORS 659.850	
ORS 659A.006	
ORS 659A.029	
ORS 659A.030	

Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000(d).
Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000(e).
Title IX of the Education Amendments of 1972, 20 U.S.C. Sections 1681-1683; 34 CFR Part 106 (2000).
Davis v. Monroe County Board of Education, 526 U.S. 629 (1999).
Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998).