

Sexual Harassment

It is the policy of the Board to ensure that all employees and students under the jurisdiction of this district shall be entitled to work and study in a “sexual harassment-free” environment in which it is absolutely clear that sexual harassment will not be tolerated.

Accordingly, the Board has established the following:

1. Philosophy: All students and staff have the right to work and learn in an atmosphere that is conducive to their success. This district is committed to eliminating sexual harassment by providing a safe work and study environment. Therefore, this district considers sexual harassment of students by staff, students and third parties, and sexual harassment of staff by students, staff and third parties, and sexual harassment of third parties by students, staff and third parties to be an unsafe and detrimental work/study practice that is strictly prohibited. The prohibition also includes off duty conduct which is incompatible with district job responsibilities.
2. Definitions
 - a. “Sexual harassment of students by staff, students and third parties” means unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal or physical conduct of a sexual nature when: the conduct or communication has the purpose or effect of demanding sexual favors in exchange for benefits; or submission to or rejection of the conduct or communication is used as a basis for educational decisions affecting a student; or 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 creates an intimidating, offensive or hostile educational environment.
 - b. “Sexual harassment of staff by students, staff and third parties” means unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal or physical conduct of a sexual nature when: the conduct or communication has the purpose or effect of demanding sexual favors in exchange for benefits; or submission to or rejection of the conduct or communication is used as a basis for employment or assignment of staff; or the conduct or communication is so severe, persistent or pervasive that it has the purpose or effect of unreasonably interfering with an employee’s ability to perform his or her job or that creates an intimidating, offensive or hostile work environment.
 - c. “Third parties” means a person who is not directly subject to district control. (i.e., including, but not limited to, audiences or a person at interdistrict or intradistrict athletic competitions or other school events, service contractors, school visitors and employees of businesses or organizations participating in cooperative work programs with the district.)
 - d. “Workplace” means any district property, including district vehicles, the employee’s own vehicle if used to transport other employees or students to and from district activities and wherever employees are performing duties for the district.

- e. "District" means 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.
3. Responsibility: All complaints about behavior that may violate this policy shall be investigated. 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 the student, or any terms or conditions of employment or work environment of the staff complainant. The student who initiated the complaint and the student's parents shall be notified when the investigation is concluded; whereas, the staff member who initiated the complaint shall be notified when the investigation is concluded.
 4. Prohibited Conduct
 - a. Any sexual harassment of students by staff, students or third parties, any sexual harassment of staff by students, staff or third parties, or any sexual harassment of third parties by students, staff or third parties on or off district premises or as a part of any of the district's activities, is prohibited.
 - b. A hostile environment exists when there is unwelcome conduct of a sexual nature which has the purpose or effect of unreasonably interfering with an individual's education performance, or work performance or which creates an intimidating, offensive or hostile environment. Any indication by a student or a staff member that a hostile environment exists shall be cause for an investigation.
 - c. 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.
 - d. The prohibition also includes off duty conduct which is incompatible with district job responsibilities.
 5. Reporting and Investigation
 - a. Any student or staff member who is aware of a sexual harassment incident will immediately make a report to their immediate supervisor. Others with information regarding such incidents are encouraged to notify a district official. The immediate supervisor will then begin an investigation, protecting the rights of both the person making the complaint and the alleged harasser.
 - b. If the immediate supervisor is not available, the incident should be reported to the building principal, or to the superintendent if the immediate supervisor or principal is the subject of the complaint.
 6. Course of Action
 - a. A sexual harassment complaint/charge will be treated with the same due process procedures that are in effect for other instances of misconduct activity in the workplace, on district premises and during school activities.
 - b. 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.

- c. 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.
- d. Due process procedures will be in accordance with federal, state and local laws.

7. Notification

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 ½" by 11".

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/Bullying/Menacing – Staff

JBA/GBN - Sexual Harassment

JFCF - Harassment/Intimidation/Bullying/Cyberbullying – Student