

# McMinnville School District #40

Code: JBA  
Adopted: 3/10/08  
Orig. Code: JBA

## Sexual Harassment - Students

1. The Board of Directors is committed to providing all students with a learning environment that is free from all types of discrimination, including sexual harassment. Sexual harassment against students is prohibited by Title IX of the Educational Amendments of 1972, laws of the state of Oregon, and the McMinnville School District. Sexual harassment is defined by court cases and the U.S. Department of Education's Office of Civil Rights as unwelcome sexual advances that are so severe, pervasive and objectively offensive that they deny or limit the student's ability to participate in or benefit from the school's program.
2. There are two types of sexual harassment, quid pro quo and hostile environment.
  - a. Quid pro quo: Demand for sexual favors in exchange for benefits, for example, submission to the sexual conduct is a factor in decisions affecting a student's education services, extracurricular activities or grades.
  - b. Hostile environment: The unwelcome sexual conduct is so severe or pervasive that it limits a student's access to educational opportunities, unreasonably interferes with a student's educational performance, or otherwise creates an intimidating, hostile or offensive educational environment for the student.
  - c. Neither type will be tolerated toward any student by other students, district employees, volunteers, or third parties whether in the schools, on district property, or at any school-sponsored event. "Third parties" are persons not under the control of the school district and include, but are not limited to audiences at school competitions, vendors doing business with the school, school visitors, and cooperative work program employees.
3. The range of behaviors which may constitute sexual harassment includes, but is not limited to the following:
  - a. Unwelcome sexually suggestive remarks, jokes, illustrations including illustrations on clothing, backpacks, etc., e-mails and other electronic transmissions or postings, and cartoons;
  - b. Unwelcome love letters, repeated requests for dates, and pressure to have sex;
  - c. Implying a student will receive good grades in exchange for sexual favors;
  - d. Spreading sexual rumors or rating others regarding sexual appearance or activities;
  - e. Hazing or other intimidating behavior based on the victim's sexual orientation or perceived sexual orientation;
  - f. Sexually derogatory name calling;
  - g. Touching oneself sexually or talking about one's own sexuality;
  - h. Sexual bullying, assault, and rape;
  - i. Describing or asking about personal sexual experiences; and
  - j. Unwanted rubbing, pinching, touching or other physical contact of a sexual nature.

4. Sexual harassment includes unwelcome sexual conduct by adult to student, by student to student, by male to female, by female to male, by male to male and by female to female.
5. The district shall take action as necessary to make any reported incident(s) of harassment stop.
  - a. Any student who has been found, after appropriate investigation, to have sexually harassed another student will be subject to disciplinary action up to and including expulsion. Remedial action may also include counseling and education. Depending on the nature and severity of the action, and in consultation with the superintendent, the matter may be reported to law enforcement officials.
  - b. Any staff person who has been found, after appropriate investigation, to have sexually harassed a student will be subject to disciplinary action up to and including termination, reporting to law enforcement officials, and reporting to Teacher Standards and Practices Commission. Remedial action may also include counseling and education.
  - c. Any third person who has been found, after appropriate investigation, to have sexually harassed a student will be subject to appropriate action as needed to make the harassment stop. Such action may include, but is not limited to restricting the person's access to the school facilities or school sponsored activities, report to the person's supervisor and report to law enforcement officials.
6. Any person who retaliates against any student who (a) reports alleged sexual harassment or (b) testifies or participates in an investigation or hearing, will be subject to disciplinary action. Retaliation includes any form of intimidation, reprisal, ostracism, or harassment.
7. Any student found to have intentionally made a false allegation of sexual harassment will be subject to disciplinary action.
8. Students will be provided with age-appropriate information on the recognition and prevention of sexual harassment and their rights and responsibilities under this and other district policies and rules.
9. All students and employees of the district are subject to board-adopted policies, which shall be made available to students, parents and guardians of students, and employees.
10. A copy of this policy shall be included in all student handbooks, and posted in all middle and high schools on a sign not less than 8.5 inches x 11 inches, which shall include the name or position of the person in that building who is responsible for receiving and investigating complaints of sexual harassment.
11. Any employee receiving a complaint of sexual harassment shall immediately contact the principal or designee.
12. The district shall provide periodic in-service training to administrators and staff on recognition, prevention and investigation of sexual harassment, and include such training in the orientation of all new employees.
13. All complaints of alleged sexual harassment shall be investigated. The superintendent shall develop procedures that provide for receiving and investigating a complaint from any student who alleges that he/she has been subjected to sexual harassment in school, on district property, or at a school-sponsored event. Upon completion of the investigation, the student who initiated the complaint and

the student's parents or guardians shall be notified of the findings of the investigation, and if appropriate, remedial actions which have been taken.

14. The initiation of a sexual harassment complaint shall not adversely affect the educational assignment or school environment of the student. For example, if it is advisable to separate the complainant from the accused harasser, the accommodations for change in class schedule, activities, or assigned locker should be made by the accused, not the complainant.

**See also: Sexual Harassment – Staff, Policy No: GBN**

END OF POLICY

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**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 IX of the Education Amendments of 1972

20 U.S.C. 1681-1688

34 C.F.R. Part 106

Davis v. Monroe County Bd. of Educ., 526 U.S. 629 (1999).

Gebser v. Lago Vista Indep. Sch. Dist., 524 U.S. 274 (1998).

Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students or Third Parties, U.S. Department of Education, Office of Civil Rights, 1997