

## **Sexual Harassment**

Sexual harassment of students by staff and other students and employees by students and other staff is prohibited and shall not be tolerated in the district. This includes sexual harassment by board members, parents, vendors and others doing business with the district. District includes district facilities, district premises and non-district 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 means unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature. Evidence of sexual harassment may include, but is not limited to, the following:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of a student's education or of a student's participation in district programs or activities;
2. Submission to or rejection of such conduct by a student is used as the basis for decisions affecting the student;
3. Such conduct has the purpose or effect of unreasonably interfering with the student's educational performance or creates an intimidating, offensive or hostile educational environment;
4. Such conduct has the purpose or effect of demanding sexual favors in exchange for benefits.

Sexual harassment of 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. Evidence of sexual harassment may include, but is not limited to the following:

1. The employee's submission to the conduct or communication is made a term or condition of employment;
2. The employee's submission to, or rejection of, the conduct or communication is the basis for decisions affecting employment and assignment;
3. The conduct or communication has the purpose or effect of unreasonably interfering with the employee's ability to perform the job.
4. The conduct or communication has the effect of creating an intimidating, hostile or offensive working environment;
5. The conduct or communication has the purpose or effect of demanding sexual favors in exchange for benefits.

Sexual harassment as set forth above may include, but is not limited to the following:

1. Verbal or written harassment or abuse;
2. Pressure for sexual activity;
3. Remarks to a person with sexual or demeaning implications;
4. Unwelcome touching
5. Suggesting or demanding sexual involvement, accompanied by implied or explicit threats concerning one's grades, achievements, evaluations job assignments, etc.

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 should immediately report his/her concerns to the building principal, compliance officer, or superintendent. Staff who witness sexual harassment are expected to take immediate action to address it and report it. The student and the student's parents or staff member who initiated the complaint shall be notified when the investigation is concluded.

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 sexual harassment.

Students found to be in violation of this policy shall be subject to discipline up to and including expulsion. Employees shall be subject to discipline, up to and including dismissal. 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 also be reported to the Teachers Standards and Practices Commission.

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 8.5 by 11 inches.

The superintendent will establish a process of reporting incidents of sexual harassment.

All staff, students and others doing business with the district shall be subject to this policy.

Cross Reference: If harassment is of other than a sexual nature, refer to policy GBNA/JFCF - Hazing, Harassment, Intimidation, Menacing.

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 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).

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

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