

Sexual Harassment

Sexual harassment is a form of sex discrimination which violates federal and state law. It is the policy of the district that sexual harassment will not be tolerated in its schools.

It is further the policy of the district to maintain a learning and working environment that is free from sexual harassment and sexual violence. The district prohibits any form of sexual harassment.

It shall be a violation of this policy for any district student or employee or third party to harass a student or an employee through conduct or communication of a sexual nature as defined by this policy. All staff and students are subject to this policy.

The district will act to investigate all complaints, either formal or informal, verbal or written, of sexual harassment and to discipline any student or employee who sexually harasses a student or employee of the district.

The initiation of a complaint in good faith about behavior that may violate this policy shall not adversely affect the educational assignments or study environments of a student complainant or any terms or conditions of employment of a staff complainant. The staff complainant or the student complainant, and the student's parents shall be notified when the investigation of a complaint is concluded and, if appropriate, that remedial action has been taken.

1. Sexual Harassment Defined

The Equal Employment Opportunity Commission's "Guidelines on Discrimination Because of Sex" defines sexual harassment as:

"Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- a. Submission to such conduct is made either explicitly or implicitly a requirement of employment;
- b. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or
- c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment."

ORS 342.704 establishes that sexual harassment of students/staff includes:

- a. A demand for sexual favors in exchange for benefits; and

- b. Unwelcome conduct of a sexual nature that has the purpose or effect of unreasonably interfering with a student's educational performance or a staff person's ability to perform the job or creates an intimidating, offensive or hostile educational or work environment.

Example of behavior that may be sexual harassment include without limitation:

- Demands for sexual favors in exchange for good grades;
- Stating or implying that a student will receive a bad grade or lose some benefit if he/she does not submit to a sexual request;
- Penalizing a student for refusing to submit to a sexual advance;
- Making sexually suggestive remarks, gestures or jokes or remarks of a sexual nature about the victim's appearance;
- Using derogatory sexual terms for women such as honey, baby, bitch, etc.;
- Deliberate and unwelcome touching, pinching, brushing or patting;
- Displaying sexual illustrations in school;
- Unwelcome pressuring for dates or sex;
- Describing or asking about personal sexual experiences;
- Hazing, pranks or other intimidating behavior directed toward the victim because of the victim's gender;
- Sexual assault.

2. Responsibilities

Every employee and student in this district must be informed of this policy. If a teacher, administrator or other staff person knows that sexual harassment is or may be occurring, he/she must take immediate steps to report the circumstances to his/her supervisor or to the district human rights officer even if the problem is not within his/her area of work responsibility.

3. Investigation and Recommendation

By authority of the district, the human rights officer, upon receipt of a report or complaint alleging sexual harassment or sexual violence, shall immediately initiate an investigation. This investigation may be conducted by district officials or by a third party designated by the district. In all cases which involve allegations of serious harassment involving an employee, the investigator shall be someone outside of the staff of the building in which the complaint arises. Substantiated incidents of sexual harassment will result in corrective action and for employees, may be cause for disciplinary action up to and including discharge.

The Board hereby designates the superintendent as the district human rights officer. If a complaint involves the human rights officer, the complaint shall be filed directly with the Board. Complaints of sexual harassment involving students may be investigated by appropriate building staff under the supervision of the human rights officer.

The district shall conspicuously post the name of the human rights officer, including a mailing address and telephone number:

Superintendent

270 W Main
P.O. Box 368
Lexington, OR 97839
Telephone: 503-989-8202

Submission of good faith complaints or reports of sexual harassment will not affect an employee's future employment or work assignments or the educational opportunities of a student, and no retaliation against anyone reporting sexual harassment or participation in related investigation activities will be tolerated.

Employees are encouraged to keep accurate documentation of any harassment situation and must report those situations to their supervisor or the human rights officer. Documentation should include dates, places, specific behaviors, witnesses, conversations with or involving a third party, physical or emotional symptoms occurring as a result of such harassment and any other relevant information.

The superintendent will maintain a record of reported instances of sexual harassment.

4. Confidentiality

The 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 district's legal obligations and the necessity to investigate allegations of sexual harassment and sexual violence and take disciplinary action when such conduct has occurred.

5. Discipline

Any district action taken pursuant to this policy will be consistent with requirements of applicable collective bargaining agreements, Oregon Revised Statutes and district policies. The district will take such disciplinary action it deems necessary and appropriate, in order to end sexual harassment and prevent its recurrence.

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.

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 TSPC.

6. Notice

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 1/2" 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, 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).