

Harassment

1. GENERAL STATEMENT OF POLICY

Harassment is a form of discrimination which violates Section 703 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq., and Oregon Revised Statutes 342.850 and 342.865.

It is the policy of the North Marion School District 15 to maintain a learning and working environment that is free from harassment. The North Marion School district prohibits any form of harassment.

It shall be a violation of this policy for any student or employee of the North Marion School District to harass a student or an employee through conduct or communication of a nature as defined by this policy.

The North Marion School District will act to investigate all complaints, either formal or informal, verbal or written, of harassment and to discipline any student or employee who harasses a student or employee of the North Marion School District.

2. DEFINITIONS

- A) Harassment consists of unwelcome sexual advances, requests for sexual favors, physical conduct or other verbal or physical conduct or communication when:
- 1) Submission to that conduct or communication is made a term or condition, either explicitly or implicitly of obtaining or retaining employment, or of obtaining an education; or
 - 2) Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
 - 3) That conduct or communication has the purposes or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile or offensive employment or education environment.
- B) Harassment may include but is not limited to:
- 1) verbal harassment such as derogatory comments, jokes, or slurs;
 - 2) subtle pressure for sexual activity;
 - 3) inappropriate patting or pinching;
 - 4) intentional brushing against a student's or an employee's body;
 - 5) demanding sexual favors accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status; or
 - 6) any sexually motivated unwelcome touching; or
 - 7) visual harassment, such as derogatory or offensive posters, cards, cartoons, graffiti, drawings, or gestures.

3. REPORTING PROCEDURES

Any person who believes he or she has been the victim of harassment by a student or an employee of the North Marion School District, or any third person with knowledge or belief of conduct which may constitute harassment should report the alleged acts immediately to an appropriate North Marion School District official as designated by this policy. The North Marion School District encourages the reporting party or complainant to use the report form available from the principal of each building or available from the North Marion School District.

- A) In Each School Building. The building principal is the person responsible for receiving oral or written reports of harassment at the building level. The principal shall conduct a preliminary review of the incident and report findings to the Affirmative Action Officer within 24 hours. If the report was given verbally, the principal shall reduce it to written form within 24 hours and forward it to the Affirmative Action Officer. If the complaint involves the building principal or superintendent, then the complainant shall file a written report directly with the Affirmative Action Officer.
- B) District-Wide. The North Marion School District Superintendent shall designate one employee as the North Marion School District Affirmative Action Officer to receive reports or complaints of harassment from any individual, employee or victim of harassment and also from the building principals as outlined above. If the complaint involves the Affirmative Action Officer, the complaint shall be filed directly with the Superintendent. The North Marion School District shall conspicuously post the name of the Affirmative Action Officer including a mailing address and telephone number.
- C) Submission of a complaint or report of harassment will not affect the individual's future employment, grades or work assignments.
- D) Use of formal reporting forms is not mandatory. The North Marion School District will respect the confidentiality of the complainant and individual(s) against whom the complaint is filed as much as possible, consistent with the North Marion School District's legal obligations and the necessity to investigate allegations of harassment and take disciplinary action when the conduct has occurred.
- E) Failure to forward any harassment report initially reported shall be grounds for employee disciplinary action. Complainants are encouraged to file a written report directly with the Affirmative Action Officer if they feel the initial report has not been followed up by the appropriate administrator.

4. INVESTIGATION AND RECOMMENDATION

By authority of the North Marion School District, the Affirmative Action Officer, upon receipt of a report or complaint alleging harassment, shall immediately authorize an investigation. This investigation will be conducted by a qualified third party designated by the Superintendent or School Board Chairman. The investigator must be adept in the art of interviewing witnesses and possess both intellectual and intrapersonal skills. The investigator should not appear to be an advocate for the plaintiff or the alleged harasser; neutrality and objectivity in investigating and fact-finding will enhance the credibility and effectiveness of the investigation. The investigator must be familiar with the law of sexual harassment so that he or she can understand the issues under investigation, must have the time to devote to the investigation, and be willing and able to become immersed in the

details. The investigating party shall provide a written report of the status of the investigation within 10 working days to the Superintendent of Schools or the School Board Chairman and the Affirmative Action Officer.

In determining whether alleged conduct constitutes harassment, the North Marion School District should consider the surrounding circumstances, the nature of the advances, relationships between the parties involved and the context in which the alleged incidents occurred.

The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.

In addition, the North Marion School District may take immediate steps, at its discretion, to protect the complainant, students and employees pending completion of an investigation of alleged harassment.

The North Marion School Affirmative Action Officer shall make a report to the Superintendent upon completion of the investigation.

5. SCHOOL DISTRICT ACTION

- A) Upon receipt of a recommendation that the complaint is valid, the North Marion School District will take corrective or disciplinary action as appropriate based on the results of the investigation.
- B) The result of the investigation of each complaint filed under these procedures will be reported in writing to the complainant by the North Marion School District. The report will document any corrective or disciplinary action taken as a result of the complaint.

6. REPRISAL

The North Marion School will discipline any individual who retaliates against any person who reports alleged harassment or who retaliates against any person who testifies, assists or participates in an investigation, proceeding or hearing relating to a harassment complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

7. NON-HARASSMENT

The North Marion School District recognizes that not every event or consent of a sexual nature constitutes harassment. Whether a particular action or incident is a personal, social relationship without a discriminatory employment or educational effect requires a determination based on all the facts and surrounding circumstances. False accusations of harassment can have a serious detrimental effect on innocent parties.

8. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include filing charges with the Oregon Department of Education, Oregon Bureau of Labor and Industries initiating civil action or seeking redress under state criminal statutes and/or federal law.

9. DISCIPLINE

Any school district action taken pursuant to this policy will be consistent with requirements of applicable collective bargaining agreements, Oregon revised statutes and school district policies and North Marion School District policies. The North Marion School District will take such disciplinary action it deems necessary and appropriate, including warning, suspension or immediate discharge to end harassment and prevent its recurrence.

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).

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

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