

Riverdale School District 51J

Code: **GBN/JBA**
Adopted: 10/11/99
Readopted: 6/12/066/12/06
Orig. Code(s): GBN/JBA

Sexual Harassment

Sexual harassment is prohibited and shall not be tolerated in the district. This includes sexual harassment by students, staff, Board members, parents, vendors and others doing business with the district. District includes 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.

Sexual harassment of students and staff shall include, but not be limited to, unwelcome sexual advances, request for sexual favors and other verbal or physical conduct of a sexual nature when:

1. Submission to the conduct or communication is made either explicitly or implicitly a term or condition of a student's education or participation in district programs or activities or as a condition of employment for staff;
2. Submission to or rejection of the conduct or communication is used as the basis for decisions affecting a student or employment or assignment of staff;
3. The conduct or communication has the purpose or effect of unreasonably interfering with a student's educational performance or with an employee's ability to perform his/her job;
4. The conduct or communication has the effect of creating an intimidating, offensive or hostile educational working environment;
5. The conduct or communication has the purpose or effect of demanding sexual favors in exchange for benefits.

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 must immediately report his/her concerns to the building principal or superintendent. 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 who violate this policy shall be subject to discipline up to and including expulsion. Employees who violate this policy 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 or legal action as determined and imposed by the superintendent or Board.

The superintendent shall ensure appropriate training is provided to all supervisors, staff and students. This policy as well as the complaint procedure will be made available to all students, parents of students and staff. The district's policy shall be posted in all 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 and students shall be subject to this policy.

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).