

## **Non-Discrimination/Non-Harassment**

The district will not tolerate discrimination or harassment of any kind for any reason.

The district is committed to providing a positive and productive learning and working environment. To this end, hazing, harassment, discrimination, intimidation, menacing or bullying by students or staff or third parties is strictly prohibited and shall not be tolerated in the district, under any circumstance. For the purposes of this policy the term harassment shall include, but is not limited to, hazing, protected class or other harassment, intimidation, menacing or bullying. This policy is in effect while students, staff and those interacting with the district's students or staff are on district grounds, district property or on property within the jurisdiction of the district; while in district-owned and/or district-operated buses, vehicles or chartered buses; while attending or engaged in district activities away from district grounds. The purpose of this policy is to reaffirm our commitment to equal employment opportunity and to providing a harassment-free school and work environment for students and employees.

Harassment or discrimination are violations of district policy and administrative regulations and may also be a violation of state and federal laws or regulations. Students whose behaviors found to be in violation of this policy will be subject to the investigation procedure which may result in discipline, up to and including suspension and expulsion. All complaints of discrimination or harassment will be investigated. The district may also file a request with the Oregon Department of Transportation to suspend the driving privileges or the right to apply for driving privileges of a student 15 years of age or older who has been suspended or expelled at least twice for menacing another student or employee, willful damage or injury to district property or for the use of threats, intimidation, harassment or coercion. The district has the authority to report students in violation of this policy to law enforcement officials. (See Board Policy JF/JFA/JFC/JG)

Staff whose behavior is found to be in violation of this policy will be subject to discipline, up to and including dismissal. Staff will be reported to Teacher's Standards and Practices Commission, as provided by OAR 584-020-0041. The district has the authority to report staff in violation of this policy to law enforcement officials.

Third parties 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 district. The district has the authority to report third parties in violation of this policy to law enforcement officials.

Retaliation against any person who reports, is thought to have reported, files a complaint or otherwise participates in an investigation or inquiry is prohibited. Such retaliation shall be considered a serious violation of district policy and independent of whether a complaint is substantiated and will result in disciplinary action or other appropriate sanctions. False charges shall also be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.

This policy and the herein referenced administrative regulation shall not be used as a basis for excluding or separating individuals of a particular gender and/or any other protected classification, from their full participation in school, business or work related social activities or discussions. Federal, state and local laws and the policies of the district prohibit disparate treatment on the basis of gender or any other protected classification, with regard to terms conditions, privileges, and benefits of school attendance or employment.

The superintendent or designee, will develop administrative procedures regarding this policy. Notice of this policy will be provided in student and staff handbooks. Further, notices of this policy will be posted for view in all buildings where grades 6 through 12 are taught and other buildings as designated by the superintendent or designee. Such postings shall be no less than 8.5" X 11" in size.

All complaints about behavior that may violate this policy shall be promptly investigated. Any student, employee or third party who has knowledge of conduct in violation of this policy or feels he/she has been a victim of hazing, harassment, discrimination, intimidation, bullying or menacing in violation of this policy is encouraged to immediately report his/her concerns to the principal or superintendent. A student may also report concerns to a teacher or counselor who will be responsible for notifying the appropriate district official. If a student initiates the complaint, that student and their parents shall be notified when the investigation is concluded. Reports may also be made anonymously.

The superintendent shall periodically report to the Board the number of complaints received, investigated and their outcome.

#### Definitions

1. "Third parties" include, but are not limited to, school volunteers, parents, school visitors, service contractors or others engaged in district business, such as employees of businesses or organizations participating in cooperative work programs with the district and others not directly subject to district control at interdistrict and intradistrict athletic competitions or other school events.
2. "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 a field trips or athletic events where students are under control of the district business.
3. Discrimination is different treatment in the terms or conditions of employment or educational services based on an individual's membership in a protected class, including race, color, religion, sex, national origin, age, disability, marital status, sexual orientation<sup>1</sup> or any other basis protected by law.
4. Harassment is behavior perceived by the receiver as unwelcome and includes, but is not limited to: epithets, slurs, or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; unwelcome touching; and display or circulation in the district of written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of that individual's

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<sup>1</sup>Sexual orientation means an individual's actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual's gender identity, appearance, expression or behavior differs from that traditionally associated with the individual's sex at birth.

or group's protected class (including via e-mail). Harassment includes, but is not limited to, any act that denigrates or shows hostility or aversion towards an individual because of his/her race, color, religion, sex, sexual orientation, national origin, age, disability, marital status, or any other basis protected by law. Harassment includes disparate and unfair treatment, and intimidation.

"Harassment, intimidation, bullying or menacing" means any act that substantially interferes with a student's education benefits, opportunities or performance, that takes place on or immediately adjacent to school grounds, at any school-sponsored activity, or on school-provided transportation, and that have the effect of:

- a. Physically harming a student or damaging a student's property;
  - b. Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student's property;
  - c. Creating a hostile education or work environment.
5. "Hazing" includes, but is not limited to, any act that recklessly or intentionally endangers the mental health, physical health or safety of a student for the purpose of initiation or as a condition or precondition of obtaining membership in, or affiliation with, any district-sponsored activity or grade level attainment, i.e., forced consumption of any drink, alcoholic beverage, drug or controlled substance, forced exposure to the elements, forced prolonged exclusion from social contact, sleep deprivation or any other forced activity that could adversely affect the mental or physical health or safety of a student; requires, encourages, authorizes or permits another to be subject to wearing or caring any obscene or physically burdensome article, assignment of pranks to be performed or other such activities intended to degrade or humiliate.
6. Sexual harassment constitutes discrimination not only because of the sexual nature of the conduct to which the victim is subjected, but also because the harasser treats a member or members of one sex differently from members of the opposite sex. For the purposes of this policy, sexual harassment includes unwelcome sexual advances, requests or demands for sexual favors and other verbal or physical conduct of a sexual nature when:
- a. Submission to conduct is made either explicitly or implicitly a term or condition of an individual's education or employment;
  - b. Submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual; or
  - c. Such conduct has the purpose or effect of unreasonably interfering with an individual's school or work performance or creating an intimidating, hostile, or offensive school or work environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstance which constitute a hostile school or work environment, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body; sexual prowess or sexual deficiencies; leering, cat calls or touching; insulting or obscene comments or gestures; display or circulation in the work place of sexually suggestive objects or pictures (including via e-mail); and other physical, verbal or visual conduct of a sexual nature.

7. “Intimidation” includes, but is not limited to, any threat or act intended to tamper, substantially damage or interfere with another’s property, cause substantial inconvenience, subject another to offensive physical contact or to inflict serious physical injury on the basis of race, color, religion, national origin, sex, sexual orientation, age, disability, marital status, or any other basis protected by law.
8. “Menacing” includes, but is not limited to, any act intended to place a school employee, student or third party in fear of eminent serious physical injury.

END OF POLICY

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**Legal Reference(s):**

<a href="#">ORS 243.706</a>	<a href="#">ORS 342.865</a>	<a href="#">OAR 581-021-0038</a>
<a href="#">ORS 342.700</a>	<a href="#">ORS 659.850</a>	<a href="#">OAR 584-020-0040</a>
<a href="#">ORS 342.704</a>	<a href="#">ORS 659A.006</a>	<a href="#">OAR 584-020-0041</a>
<a href="#">ORS 342.708</a>	<a href="#">ORS 659A.029</a>	
<a href="#">ORS 342.850</a>	<a href="#">ORS 659A.030</a>	

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).