

Harassment of Students

Harassment of students by a member of the staff to a student, by a student to another student or by a student to a district staff member will not be tolerated in the district. Harassment by Board members, parents, vendors and others in the district is prohibited. This policy is in effect while students are on district grounds, district property or on property within the jurisdiction of the district; while on district owned and/or district-operated buses, vehicles or chartered buses; while attending or engaged in district activities; and while away from district grounds if the misconduct directly affects the good order, efficient management and welfare of the district.

Harassment includes, but is not limited to, harassment on the basis of race, religion, sex, sexual orientation, national origin, disability, parental or marital status or age.

Sexual Harassment

The Board is committed to the elimination of sexual harassment in district schools and activities. Sexual harassment is strictly prohibited and shall not be tolerated. This includes sexual harassment of students or staff by other students, staff, Board members or third parties. "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 inter-district and intra-district athletic competitions or other school events. "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 and staff shall include, but is not limited to, unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal or physical conduct of a sexual nature when:

1. The conduct or communication has the purpose or effect of demanding sexual favors in exchange for benefits;
2. Submission to or rejection of the conduct or communication is used as the basis for educational decisions affecting a student or employment or assignment of staff;
3. The conduct or communication is so severe, persistent or pervasive that it 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; or creates an intimidating, offensive or hostile educational or working environment. Relevant factors to be considered will include, but not limited to, did the individual view the environment as hostile; was it reasonable to view the environment as hostile; the nature of the conduct; how often the conduct occurred and how long it continued; age and sex of the

complainant: whether the alleged harasser was in a position of power over the student or staff member subjected to the harassment; number of individuals involved; age of the alleged harasser; where the harassment occurred; and other incidents of sexual harassment at the school involving the same or other students or staff.

Examples of sexual harassment may include, but not limited to, physical touching or graffiti of a sexual nature, displaying or distributing of sexually explicit drawings, pictures and written materials, sexual gestures or obscene jokes, touching oneself sexually or talking about one's sexuality in front of others or spreading rumors about or rating other students or others as to appearance, sexual activity or performance.

All complaints about behavior that may violate this policy shall be promptly investigated. Any student or employee who has knowledge of conduct in violation of this policy or feels he/she is a victim of sexual harassment must immediately report his/her concerns to the building principal, compliance officer or superintendent, who have overall responsibility for all investigations. A student may also report concerns to a teacher, counselor or school nurse, who will promptly notify the appropriate district official. The student and the student's parents or staff member who initiated the complaint shall be notified of the findings of the investigation and, if appropriate, that remedial action has been taken.

The initiation of a complaint in good faith about behavior that may violate this policy shall not adversely affect the education 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, files a complaint or otherwise participates in an investigation or inquiry of sexual harassment.

It is the intent of the Board that appropriate corrective action will be taken by the district to stop the sexual harassment, prevent its recurrence and address negative consequences. 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 and those participating in practicum programs, as specified by Oregon Administrative Rules, shall be reported to the Teacher Standards and Practices Commission.

The superintendent shall ensure appropriate periodic sexual harassment training awareness or information is provided to all supervisors, staff and students and that annually, the name and position of district officials responsible for accepting and managing sexual harassment complaints, business phone numbers, addresses or other necessary contact information is readily available. This policy as well as the complaint procedure will be made available to all students, parents of students and staff in the student 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.

Harassment

Harassment on the basis of race, religion, sex, sexual orientation, national origin, disability, parental or marital status or age means conduct of a verbal or physical nature that is designed to embarrass, distress, agitate, disturb or trouble students when:

1. Submission to such conduct is made 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 a student's performance or creating an intimidating or hostile learning environment.

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

1. Verbal, physical or written harassment or abuse;
2. Repeated remarks of a demeaning nature;
3. Implied or explicit threats concerning one's grades, achievement, etc.;
4. Demeaning jokes, stories or activities directed at the student.

Harassment is a violation of district policy and regulations and may also be a violation of criminal or other laws. Students whose behavior is 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. The district has the authority to report students in violation of this policy to law enforcement officials. The district may also file a request to suspend driving privileges.

Retaliation against a student because the student has filed a harassment complaint or assisted or participated in a harassment investigation or proceeding is also prohibited. A student who is found to have retaliated against another in violation of this policy will be subject to discipline up to and including suspension and expulsion.

It shall also be the responsibility of the superintendent, in conjunction with the investigator and principals, to develop administrative regulations regarding this policy.

The district will promptly and reasonably investigate allegations of harassment. Any student who has knowledge of or feels he/she is a victim of harassment should immediately report his/her concerns to the

building principal or a person in authority if the principal is the subject of the complaint. This policy as well as a complaint procedure will be distributed to all students in the student handbook.

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).