

Willamette Education Service District

Code: **JBA/GBN**
Adopted: 7/8/03
Readopted: 7/12/05; 7/13/10
Orig. Code(s): None

Sexual Harassment

The Board is committed to the elimination of sexual harassment in ESD 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 ESD business, such as employees of businesses or organizations participating in cooperative work programs with the ESD and others not directly subject to ESD control at inter-district and intra-district athletic competitions or other school events. “*ESD*” includes ESD facilities, ESD premises, and non-ESD property if the student or employee is at any ESD-sponsored, ESD-approved, or ESD-related activity or function, such as field trips or athletic events where students are under the control of the ESD or where the employee is engaged in ESD 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 be 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 be limited to: physical touching or graffiti of a sexual nature; displaying or distributing 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 victim of sexual harassment must immediately report his/her concerns to the building principal/coordinator, compliance officer, or Superintendent who has overall responsibility for all investigations. A student may also report concerns to a teacher, counselor, or school nurse who will promptly notify the appropriate ESD official. Sexual harassment complaints against the Superintendent shall be reported to the Board chair. 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 educational assignments or study environment of a student complainant. There shall be no retaliation by the ESD 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 ESD 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 ESD 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 the TSPC or other licensing Boards as appropriate.

The Superintendent shall ensure appropriate periodic sexual harassment awareness training or information is provided to all supervisors, staff, and students and that annually the name, position, business phone number, address, or other necessary contact information of ESD officials responsible for accepting and managing sexual harassment complaints is readily available. The policy, as well as the complaint procedure, will be made available to all students, parents of students, and staff in all student/parent and staff handbooks. The ESD's policy shall be posted in all school sites. 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.

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).

Cross Reference(s):

GBN/JBA - Sexual Harassment

JFCF - Hazing/Harassment/Intimidation/Bullying/Menacing/Cyberbullying – Student