

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, staff **members**, or third parties **who are on or immediately adjacent to school grounds, at any district-sponsored activity, on any district-provided transportation or at any official district bus stop**, by other students, staff **members**, 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 interdistrict and intradistrict athletic competitions or other school events. "District" includes: district facilities; district premises and nondistrict property if the student or ~~employee~~ **staff member** 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~~ **jurisdiction** of the district; or where the ~~employee~~ **staff member** is engaged in district business. The prohibition also includes off duty conduct which is incompatible with district job responsibilities.

Sexual harassment of students, staff **members** or third parties 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 **members**;
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~~ **staff member**'s ability to perform ~~his/her~~ job **responsibilities**; 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 **members or third parties**.

Examples of sexual harassment may include, but not be 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 students, ~~employees~~**staff members** or third parties who has knowledge of conduct in violation of this policy or feels he/she is **they are** a victim of sexual harassment must immediately report ~~his/her~~**their** concerns to the principal, compliance officer or superintendent, who has overall responsibility for all investigations. ~~A~~**s** Students may also report concerns to a teacher, counselor or school nurse, who will promptly notify the appropriate district official.

Upon receipt of a complaint by a student, student's parents, a staff member or a third party alleging behavior that may violate this policy, the district shall provide written notice as required by Oregon Revised Statute (ORS) 342.704(4) to the complainant.

The student and/or the student's parents, ~~or~~ **the staff member or the third party** who initiated the complaint shall be notified of the findings of the investigation and, if appropriate, that remedial action has been taken **that the investigation has been concluded and as to whether a violation of this policy was found to have occurred to the extent allowable under state and federal confidentiality laws.**

The initiation of a complaint in good faith about behavior that may violate this policy shall ~~shall~~ **may** not adversely affect the educational assignments or ~~study~~ **educational** environment of a student complainant, ~~or~~ any terms or conditions of employment or work environment of the staff **member** complainant **or any terms or conditions of employment or of work or educational environment of a third-party 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~~ **Staff members** 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 **the** Board.

Additionally, the district 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 TSPC.

The superintendent shall ensure appropriate periodic sexual harassment awareness training or information is provided to all supervisors, staff **members** 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 **upon request** to all students, parents of students, ~~and~~ staff **members and third parties posted on the district's website and published** in student/parent and staff handbooks. The district's policy shall be posted **on a sign** in all [grade 6 through 12] schools. ~~Such~~ **posting** **Posted signs** shall be ~~by a sign of~~ at least 8 1/2" by 11" **in size.**

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](#)
[HB 4150 \(2018\)](#)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (~~2006~~ **2012**).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (~~2006~~ **2012**).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (~~2006~~ **2012**); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (~~2006~~ **2017**).

Bartsch v. Elkton School District, FDA-13-011 (March 27, 2014).

~~Cross Reference(s):~~

~~JBA/GBN—Sexual Harassment~~

~~JFCF—Hazing/Harassment/Intimidation/Menacing/Bullying/Cyberbullying/Teen Dating Violence—Student~~