

Sexual Harassment Policy

(Combined staff and student)

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 interdistrict and intra district athletic competitions or other school events. "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 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 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 of sexually explicit drawings, pictures and/or 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 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 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 made 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, files a complaint or otherwise participates in an investigation or inquiry of sexual harassment.

It is the intent of the 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. Counseling or sexual harassment awareness training may be mandated, 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, 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 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/parent and staff handbooks. The district's policy shall be posted in all schools. Such posting shall be by a sign of at least 8 ½" by 11".

The superintendent will establish a process of reporting incidents of sexual harassment.

END OF POLICY

Legal References:

ORS 243.706	ORS 342.865
ORS 342.700	ORS 659.850
ORS 342.704	ORS 659A.006
ORS 342.708	ORS 659A.029
ORS 342.850	ORS 659A.030

OAR 584-021-0038 Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d (2006).

OAR 584-020-0040

OAR 584-020-0041 Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e (2006).

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

Davis v. Monroe County Board of Education, 526 U.S. 629 (1999).

Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998).

Procedure in the Event of a Sexual Harassment Complaint

Upon receipt of a complaint by a student, staff member, administrator or the Superintendent, the complaint shall be forwarded to the Title IX Coordinator. The Coordinator shall conduct an investigation and make a determination in writing. The Coordinator shall follow the outline for resolution of the complaint as set forth below in the "steps."

Confidentiality will be maintained and no reprisals or retaliation will be allowed to occur because of the good faith reporting of charges of sexual harassment.

Step 1: (Informal Process) The Title IX Coordinator will investigate the complaint and respond to the complainant upon completion of the investigation which shall be within five (5) working days if reasonably possible. Said response will be written. It will include the investigator's findings and determination. If this reply is not acceptable to the complainant then he/she may file a formal complaint according to the steps herein listed below.

Step 2: (Formal Process) Upon the filing of a formal complaint, a conference will be held with the complainant within five (5) school days. The initial investigation will be reviewed. If necessary, further investigation will be completed. A written response addressing the concerns of the complainant will be given to him or her within ten (10) school days following the conference.

Step 3: If the complainant is not satisfied with the decision of the Title IX Coordinator, he/she may submit a written appeal to the Superintendent. The Superintendent shall meet with all parties involved to discuss complaint and will respond, in writing, to complainant within ten (10) school days.

Step 4: If the complainant is not satisfied with the decision of the Superintendent he/she may submit a written appeal to the Board. This appeal should be filed within five (5) school days of receipt of the Superintendent's decision. The Board shall consider the appeal at its next regularly scheduled board meeting in executive session unless otherwise requested in open session by the accused. The Board will reply to the complainant, in writing, within ten (10) school days.

If the complaint is not satisfactorily settled, a complaint may be filed with the Director, Seattle Office, Western Division, U.S. Department of Education, Office for Civil Rights, 915 Second Avenue, Room 3310, Seattle, Washington 98174-1099. If the complaint is substantiated, there will be a remedy to address the effects of the discrimination or harassment on the individual.

As may be deemed reasonable and expedient by the Superintendent or Coordinator, changes to the above procedure shall be made if an administrator with investigative or decision-making duties under the above outline is named in the complaint.

Any student or employee who believes he/she has been discriminated against on the basis

of sex, including being subjected to sexual harassment, should immediately report the incident to the building principal, who in turn will file the complaint with the coordinator and a copy for the Superintendent. If the complaint the student or employee is filing involves the building principal, the complaint will be filed with the Superintendent or the Title IX coordinator.

As an alternative to the above, nothing in this policy is intended to limit or otherwise keep the student or employee who believes he/she has been discriminated against from filing the complaint directly with the Title IX coordinator, or from pursuing other legal action.

