

## **Harassment**

The Board is committed to providing a positive and productive learning environment and prohibits hazing, harassment, intimidation, menacing or bullying by students, staff or third parties.

“District” includes district facilities, district premises and non-district property if there is 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 an employee is engaged in district business.

“Third parties” include, but are not limited to, coaches, 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.

“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 attaining 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 carrying any obscene or physically burdensome article, assignment of pranks to be performed or other such activities intended to degrade or humiliate.

“Harassment” includes, but is not limited to, any act which subjects an individual or group to unwanted, abusive behavior of a nonverbal, verbal, written or physical nature on the basis of age, race, religion, color, national origin, disability, marital status, cultural background or geographic location.

“Harassment, intimidation or bullying” means any act that substantially interferes with a student’s educational benefits, opportunities or performance that takes place on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation or at any official bus stop, and that has the effect of:

1. Physically harming a student or damaging a student’s property;
2. Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student’s property;
3. Creating a hostile educational environment.

The Board is also committed to the elimination of sexual harassment in district schools and activities. Sexual harassment shall include, but not be limited to, unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

1. The employee’s submission to the conduct or communication is made a term or condition of employment;

2. Submission to, or rejection of, the conduct or communication is the basis for decisions affecting a student or employment or assignment;
3. The conduct or communication is so severe, pervasive or persistent that it has the purpose or effect of unreasonably interfering with a student's educational performance or an individual's work performance; or
4. The conduct or communication creates an intimidating, hostile or offensive working environment.

Examples of harassment may include, but not be limited to, intimidation (physical, verbal, written) jokes, stories, pictures or objects that are offensive, tend to alarm, annoy, abuse or demean certain protected individuals and groups.

Harassment by Board members, employees, parents, students, vendors and others doing business with the district is prohibited. Employees or 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 dismissal or expulsion. Other individuals whose behavior is found to be in violation of this policy will be subject to appropriate sanctions as determined and imposed by the superintendent or Board.

Administrators and supervisors are responsible for their conduct and for their employees' conduct and will be proactive in making the district's policy known by staff and in taking other steps to stop harassment by subordinates when observed or brought to their attention, including warning or disciplining the offending employee. Any employee who has knowledge of conduct in violation of this policy or feels he/she is a victim of harassment must immediately report his/her concerns to the building principal, their supervisor or superintendent who have overall responsibility for all investigations. Complaints involving violations of this policy by the superintendent shall be filed directly with the Board chair.

The superintendent will establish a process of reporting for those employees experiencing or observing acts of harassment. There will be no retaliation by the district against any person who, in good faith, reports harassment. False charges shall also be considered a serious offense and will result in disciplinary action or other appropriate sanctions.

END OF POLICY

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Legal Reference(s):

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

Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000(d).

Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000(e).

Title IX of the Education Amendments of 1972, 20 U.S.C. Sections 1681-1683; 34 CFR Part 106 (2000).

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

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