

**BEND-LA PINE SCHOOLS**

Administrative School District No. 1

Deschutes County, Oregon

**ADMINISTRATIVE POLICY**

Name: Sexual Harassment

Section: Required Policies

Code: JBAA/GBNA-AP

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The Board is committed to the elimination of sexual harassment in district schools, on any school district property or vehicle, at any school or school district sponsored activity, or at work-related business trips whether or not on school property. 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.

**DEFINITIONS**

“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 by staff, other students, Board members, or third parties, or of staff by students, other staff, Board members, or third parties, includes:

- a. A demand of sexual favors in exchange for benefits; or
- b. Unwelcome conduct of a sexual nature that has the purpose or effect of unreasonably interfering with a student’s educational performance, a staff person’s ability to perform his or her job, or that creates an intimidating, offensive or hostile educational or work environment.

Examples of sexual harassment may include, but not be limited to, physical touching or graffiti of a sexual nature, displaying or distribution of sexually explicit drawings, pictures, written materials or coded language, 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.

When determining whether a hostile environment exists, relevant factors to be considered will include, but not be limited to: whether the individual viewed the environment as hostile; was it reasonable for the individual 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.

“Third parties” means persons who are not directly subject to district control (i.e. a person who is not a student or an employee of the district) when the person is engaged in a school sponsored activity. Examples of third parties include but are not limited to audiences at inter-district or intra-district athletic competitions or other school events, service contractors, school visitors, and employees of businesses or organizations participating in cooperative work programs with the district.

**COMPLAINTS AND INVESTIGATIONS**

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 students 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 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.

### **CORRECTIVE ACTION / DISCIPLINE**

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, 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.

### **SEXUAL HARASSMENT TRAINING**

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. The district's policy shall be posted in all schools. Such posting shall be by a sign of at least 8 1/2" by 11".

ORS Chapter 342

ORS Chapter 243

OAR Chapter 581 (adopted by Oregon Department of Education)

Reviewed: 1/11/11

Approved: 1/25/11