

Mitchell School District #55

Code: JBA

Adopted: 1/9/08

SEXUAL HARASSMENT OF STUDENTS

Sexual harassment of students by a member of the staff to a student, by a student to another student or by a student to a district staff member is prohibited and shall not be tolerated in the district. This includes sexual harassment by Board members, parents, vendors and others doing business with the district. This policy is in effect while students are on district grounds, district property or on property within the jurisdiction of the district; while on district-owned and/or district-operated buses, vehicles or chartered buses; while attending or engaged in district activities; and while away from district grounds if the misconduct directly affects the good order, efficient management and welfare of the district.

Sexual harassment means unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of a student's education or of a student's participation in district programs or activities;
2. Submission to or rejection of such conduct by a student is used as the basis for decisions affecting the student;
3. Such conduct has the purpose or effect of unreasonably interfering with a student's educational performance or creates an intimidating, offensive or hostile educational environment;
4. Such conduct has the purpose or effect of demanding sexual favors in exchange for benefits.

Sexual harassment as set forth above may include, but is not limited to, the following:

1. Verbal or written harassment or abuse;
2. Pressure for sexual activity;
3. Repeated remarks to a person with sexual or demeaning implications;
4. Unwelcome touching;
5. Suggesting or demanding sexual involvement, accompanied by implied or explicit threats concerning one's grades, achievements, etc.

The district shall promptly investigate all complaints about behavior that may violate this policy. Any student who has knowledge of or feels he/she is a victim of sexual harassment should immediately report his/her concerns to the superintendent. The student who initiated the complaint and the student's parent shall be notified when the investigation is concluded.

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 the student. There shall be no retaliation by the district against any person who, in good faith, reports sexual harassment.

(continued)

See GBW/JBA

Students whose behavior is found to be in violation of this policy shall be subject to discipline up to and including expulsion. Employees shall be subject to discipline up to and including dismissal. Other individuals whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined by the superintendent or Board.

The district may report violations of this policy to law enforcement officials. Licensed staff and those participating in practicum programs as specified by applicable Oregon Administrative Rules, shall also be reported to the Teachers Standards And Practices Commission.

This policy as well as the complaint procedure will be made available to all students, parents of students and staff in student/parent and staff handbooks. The district's policy shall be posted in all grade 6 through 12 schools. Such posting shall be by a sign of at least 8.5 by 11 inches.

The superintendent shall develop administrative regulations as needed to implement this policy.

All staff and students shall be subject to this policy.

END OF POLICY

Legal References:

ORS 243.706	ORS 659.010 (14)	OAR 584-020-0040
ORS 342.700	ORS 659.020	OAR 584-020-0041
ORS 342.704	ORS 659.029	
ORS 342.708	ORS 659.030	
ORS 342.850	ORS 659.040	
ORS 342.865	ORS 659.150	

Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C.A., Section 2000(e) et seq. (West 1985)

Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C.A., Section 621 (West 1985)

Age Discrimination Act of 1975, as amended, 42 U.S.C.A., Section 6101 (West 1985)

Equal Pay Act of 1963, as amended, 29 U.S.C.A., Section 206(d) (West 1985)

Title IX of the Education Amendments of 1972, 20 U.S.C.A., Sections 1681, 1682 and 1683 (West 1985).

Rehabilitation Act of 1973, 29 U.S.C.A. Sections 504, 791, 793 and 794 (West 1985)

Americans with Disabilities Act of 1990, 42 U.S.C. Section 12101 et seq. 29 CFR Part 1630