

# Eugene School District 4J

Code: JBA/GBN  
Adopted: 12/18/96  
Readopted: 12/11/02; 8/15/18  
Orig. Code: GBN

## 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 on or immediately adjacent to district property, 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 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 jurisdiction of the district; or where the staff member is engaged in district business. The prohibition also includes off duty conduct which is incompatible with district job responsibilities. The policy also applies to off campus conduct that causes or threatens to cause a substantial and material disruption at school or other district property, or interferes with the rights of students or employees to be free from a hostile educational or employment environment taking into consideration the totality of the circumstances.

Sexual harassment of students, employees or third parties shall include, but is not limited to, unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, 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 a factor in educational decisions affecting a student or employment or assignment of employees; or
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 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, whether the individual viewed the environment as hostile; whether it was reasonable to view the environment as hostile; the nature of the conduct; the frequency, duration and severity of the conduct; the age and sex of the complainant; whether the alleged harasser was in a position of power over the student or employee subjected to the harassment; the number of individuals involved; the age of the alleged harasser; where the harassment occurred; and other incidents of sexual harassment at the school involving the same or other students, employees or third parties.

Examples of sexual harassment may include, but not be limited to:

1. Verbal comments, such as unwelcome sexual advances, requests for sexual favors, derogatory remarks, talking about one's sexuality in front of others, spreading rumors about or rating others as to appearance, sexual activity or performance, obscene jokes, gender-based stereotyping, remarks based on a person's gender nonconformity with gender stereotypes;
2. Nonverbal conduct, such as graffiti, display or distribution of sexually explicit drawings, pictures or written materials, text messages, or notes; and/or
3. Physical conduct such as unwanted physical contact, sexual touching, fondling, sexual assault, and other forms of sexual violence.

All complaints about behavior that may violate this policy shall be promptly investigated and addressed in accordance with this policy and the additional complaint procedures developed by the Superintendent.

Any student who has knowledge of conduct in violation of this policy or feels they are a victim of sexual harassment is strongly encouraged to report immediately their concerns to the school administrator. Students may also report concerns to a teacher, counselor or other school employee, who will promptly notify the appropriate district official. Students may also report concerns to the Title IX Coordinator or Superintendent, who has overall responsibility for all investigations.

Any district employee, volunteer or other third party who has knowledge of conduct in violation of this policy or feels they are a victim of sexual harassment must immediately report their concerns to their administrator. Reports may also be made to a Human Resources administrator, the Assistant Superintendent of Administrative Services, or the Superintendent, who has overall responsibility for all investigations.

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

The student and/or the student's parents, the staff member or the third party who initiated the complaint shall be notified 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 may not adversely affect the educational assignments or educational environment of a student complainant or any terms or conditions of employment or work environment of the employee 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 its negative effects in the educational or employment setting. Students who violate this policy shall be subject to discipline up to and including expulsion, counseling, sexual harassment awareness training, and/or transfer to another school as appropriate. The age and maturity of the student(s) involved and other relevant factors will be considered in determining appropriate action.

Employees who violate 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 appropriate district official.

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, employees 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, 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. Posted signs shall be at least 8-1/2 inches by 11 inches in size. The written notice of rights required by ORS 342.704 will be made available on the district website.

The superintendent will establish procedures implementing this policy.

END OF POLICY

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**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 (2012).

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

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

Davis v. Monroe County Bd. of Educ., 526 U.S. 629 (1999).

Gebser v. Lago Vista Indep. Sch. Dist., 524 U.S. 274 (1998).

**Cross Reference(s):**

GBN/JBA - Sexual Harassment

JFCF - Harassment, Intimidation, Bullying, Cyberbullying, Hazing, Teen Dating Violence and Domestic Violence – Student