

Gervais School District 1

Code: **JBA/GBN**
Adopted: Unknown
Revised/Readopted: 3/21/96, 10/17/02

Harassment

It is the policy of the Board to maintain a learning and working environment that is free from any kind of harassment, discrimination, and/or intimidation. Harassment of employees and students will not be tolerated in the district or during any district activity. District and district activities include the following:

- District facilities;
- District premises;
- District property, including school buses;
- Non-district property if the employee is at any district-sponsored, district-approved or district-related activity or function; and
- Field trips, athletic events, or other activities where students are under the control of the district or where the employee is engaged in district business.

The district specifically prohibits sexual harassment and discrimination in its education programs and activities. No employee or student of the district shall be subjected to sexual harassment or discrimination, and it shall be a violation of this policy for any member of the staff or any student to engage in any form of harassment and/or discrimination. All persons are to be treated with respect and dignity.

Harassment includes, but is not limited to, racial, religious, national origin, age, marital status, disability and sexual harassment. 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:

- The employee's submission to the conduct or communication is made a term or condition of employment;
- The employee's submission to, or rejection of, the conduct or communication is the basis for decisions affecting employment and assignment;
- The conduct or communication has the purpose or effect of substantially interfering with an individual's work performance;
- The conduct or communication has the effect of creating an intimidating, hostile or offensive working environment.

Other types of harassment may include, but not be limited to, jokes, stories, pictures or objects that are offensive, tend to alarm, annoy, abuse or demean certain protected individuals and groups.

The district is committed to ensuring that problems of harassment and discrimination are appropriately handled and shall be responsible for conducting an investigation in a timely manner when such allegations are made.

Harassment by Board members, employees, parents, students, vendors and others doing business with the district is prohibited. An employee whose behavior is found to be in violation of this policy will be subject to disciplinary action, up to and including dismissal. 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. Administrators shall be responsible for educating staff about behavior and conduct which may constitute different types of harassment, sexual harassment, and discrimination and for informing staff about the grievance procedures.

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.

END OF POLICY

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](#)

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).